

THE
LIFE AND ADVENTURES
OF
JAMES W. MARSHALL,
THE
DISCOVERER OF GOLD IN CALIFORNIA.

By GEORGE FREDERIC PARSONS.

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Gold? yellow, glittering, precious gold?"
—*Timon of Athens.*

"Gold! and gold! and gold without end!
Gold to lay by, and gold to spend!
Gold to give, and gold to lend!
And reversioners of gold in futuro!"
—*Hood.*

SACRAMENTO:

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CHAPTER I.

INTRODUCTION—MARSHALL'S EARLY HISTORY—HE STARTS FOR CALIFORNIA—ARRIVAL AT NEW HELVETIA—RAPHERO'S LIFE AND DEATH—INDIAN TROUBLES, ETC.

A DEEP interest naturally attaches to the history of the early pioneers of California, and though this interest partially arises from the popular and human sympathy for daring, energy, dash, and enterprise, it is perhaps due in no small degree to the wonderful transition—almost magical in its suddenness—which has replaced the California of 1849 by the California of 1870, and in effecting the transformation has left scarce a trace of the rude and rugged past. When we remember that the miner of 1849 was himself the herald of a change not less radical, if less extensive, than the subsequent revolution which almost obliterated the type of the white pioneer, we shall

realize that the single generation which is now fast fading from us has witnessed changes—social, moral, and political—which may be illustrated by the hypothetical case of a generation of Saxons, reared among wicker coracles, Druidical altars, blue woad, and Roman rule, living to see the London of the nineteenth century in all its commercial greatness. The California of the past is a country of which few recognizable relics exist. Its people, its customs, its mode of life, can no longer be distinguished. The lava flood of civilization has buried the old pioneer times deeper than the torrent of Vesuvius buried Herculaneum and Pompeii, and the seeker after truth must dig deep down, before he can hope to uncover the lost cities. But if a special interest attaches to every scrap of history relating to these times: if every anecdote illustrative of so peculiar a condition of things is worthy of preservation, how much more interesting must be the life and adventures of the man who was selected as the instrument by which the vast treasure house of California was to be thrown open to the world. It would perhaps be scarcely

possible to find a California pioneer whose career would not present some points of special interest, who could not recount some thrilling adventures and narrow escapes ; and who was unable to describe with some fidelity the principal incidents and the salient features of that feverish and exciting period. But the history of James W. Marshall, the discoverer of gold in California, is a history of such strange adventures as would ensure attention even were he not entitled to something more than the ephemeral interest aroused by such relations; and in undertaking the task of sketching his life, we feel that we are about to prove once more the sterling accuracy of the old proverb, that "Truth is stranger than fiction." In tracing the career of one whose later life is part and parcel of the history of California, it will be necessary to review at some length events which have already been narrated by the principal actors in them; but we shall endeavor to avoid repetitions as much as possible, and to confine ourselves to such incidents as may serve to throw a new light upon the past. Premising this much, we will proceed to the task before us.

* * * * *

James Wilson Marshall was born in Hope Township, Hunterdon County, New Jersey, in 1812. His father was a coach and wagon builder, and he was brought up to the same trade. His early life presents no features of special interest; and he had arrived at man's estate—being just twenty one—when he began to turn his eyes westward, and to experience the yearning which makes the pioneer. Presently his mind was made up, and with such leavetakings as poor men make when they start out into the world and turn their backs, perhaps finally, upon the place of their birth, he set forth and journeyed until he came to Crawfordsville, Indiana. Here he worked as a carpenter for some months; but the leaven of restlessness was at work within him, and he set out again shortly, this time reaching Warsaw, Illinois. After a brief stay here he once more packed his few possessions and wandered off to the Platte Purchase, near Fort Leavenworth, in Missouri. Here, for the first time since leaving home, he appears to have had some idea of settling permanently, for he located a homestead, worked steadily at farm-

ing and trading, and was in a fair way to prosper, when he was attacked with fever and ague, from which he suffered so much that after struggling against the disease for six years he was compelled to prepare for another exodus, or make up his mind to die where he was, for the physician said he could not expect more than a two years' lease of life. Just at this time people were beginning to talk a good deal about a strange, new country, far away in the west, called California. It was said to be a desirable place to emigrate to. The valleys were broad and fertile; the rivers were numerous; timber was plenty; and game abounded. And there was a charm about the name and the uncertain legends told regarding the new region that whetted the curiosity of the border men. Marshall heard of California. If he stayed in the low bottom lands he must die. He could only be killed by the Indians if he went. He decided to go. A party was being made up in the neighborhood, and gathering together his stock he joined it, and set out. They started about the first of May, 1844, with a train of a hundred wagons, but owing to the

heavy rains, which had flooded the bottom lands of the Missouri and its tributaries that Spring, they were delayed considerably. At length they arrived at Fort Hall, and here a consultation was held, and it was decided that the safest way to enter California would be by way of Oregon. All did not agree to this, however, and the difference of opinion finally led to a disruption of the party. Some went one way, some another ; but Marshall joined a band of about forty souls, and the company started (on horseback, and packing their provisions) about the Spring of 1845. There was then, and had been for some time, much trouble with the Indians ; but this party was not molested in any way ; and this fact is worthy of remark, for the reason that it was the first case of perfect immunity from attack recorded up to that time.

The journey was unaccompanied therefore by any special excitement, and after wintering in Oregon they reached California safely *via* Shasta in the month of June, and coming down the Sacramento Valley camped at Cache Creek, about forty miles from the present site of the

City of Sacramento. Here they separated. Some went below, to San Francisco, (then Yerba Buena); some wandered off up the valley; some proceeded to Sacramento, where already Sutter's Fort was established, and regarded with envy by the Mexicans, awe by the Indians, and admiration by the foreigners, (as all Americans and Europeans then were.) Among those who proceeded to the Fort was Marshall, and here, in July, 1845, he engaged to work for Sutter.

It may be well to pause here, and give some idea of the California to which Marshall was first introduced, in 1845. There were then very few white settlers and very few settlers at all in the northern portion of the State. The Missions were still the principal centers of business and population, but the whole country was inert, stagnant, undeveloped, barren, and almost desolate. The power of the Mission Fathers had been broken, and the good work they had done had been negated by the rapacity, ignorance, and obstinacy of Mexican officials and legislators. The patient labors of a hundred years had been overthrown in a twelvemonth,

and the Christianized Indians had been relegated to barbarism. At the Missions, where the old Fathers had exercised a mild despotism, and where, for generations, their every word had been law, they were cast down and despised. New rulers, secular by denomination, too often coarse and brutal by nature, tyrannical and cruel by disposition, occupied the places of authority, and ground the faces of the poor. Brigandage and lawlessness had become established in some parts of the State, and progress there was none, save here and there where some enterprising American or other foreigner had procured a grant of land, and was cultivating a portion of it, or raising stock. The sham Republic of Mexico, impotent as it was to govern the country properly, had nevertheless inflicted real injuries upon it, which nothing but the subsequent annexation to the United States could have repaired.

Sutter had built the fort on the Sacramento River, and was engaged in raising grain and stock, and doing a small trading business. He also made blankets, having secured the services of a number of Indians who had been taught

to spin by the Mission Fathers of San José, and one of the first tasks in which Marshall was engaged was the construction of a number of spinning wheels for these blanket weavers. The life at the fort was a rude one, destitute of comfort, and ill supplied even with necessaries. The men soon wore out what clothing they had brought with them over the mountains, and thenceforward were compelled to trust to their rifles for their garments. Antelope were plentiful at that time, and from the skins of these animals most of the clothing was made. Sutter employed a band of hunters and trappers, mostly Indians, and these supplied the fort with meat, taking their pay generally in ammunition. Everything was conducted in the most primitive style. Tea, sugar, coffee, etc., were luxuries wholly unknown. Flour there was, of a kind, but rudely as it was prepared, the fort had the honor of introducing the first improvement in grinding wheat. The custom of the country was sufficiently barbarous. The grain was placed on a flat stone, and pounded with another stone, the operators being generally women. Sutter, with the assistance of his men, constructed a

rude mill, which was worked by a mule, who walked round and round, causing the upper stone to revolve. The flour thus produced was coarse, but the men thought themselves lucky when it contained no lumps larger than a nutmeg. There were no candles, and consequently all hands retired as soon as it was dark, save when some enterprising individual hunted up a pitch pine knot, and thus secured an hour or so of smoky illumination.

For several months Marshall pursued the even tenor of this dull life, being occupied in stocking plows, making spinning wheels, mending wagons, and doing such general carpenter work as was required. Being a handy man, a good mechanic, and withal a shrewd natural engineer, he was extremely useful to Sutter, and they, together with a dozen more—white men and Indians—lived quietly and soberly until, in the Spring of 1846, an event occurred which threatened disastrous consequences to the little colony.

In order to explain what followed it will be necessary to go back in our history some years. In 1842 the native Californians raised a revolt

against Micheltorena, the Mexican Governor of California, the alleged cause of their disaffection being that he had brought over a large number of desperadoes from Mexico. Sutter, holding the office of Alcalde under the Governor, deemed it his duty to assist him, and accordingly raised a force of white settlers and Indians. He selected as the leader of the Indians, Raphero, chief of the Mokelumne tribe, a very brave and shrewd man, and gave him command of two hundred Indians. One of the feats of Raphero is worthy of narration, not only as indicating the character of the man, but as illustrative of the wild life of that period. Sutter commanded a force of some sixty or seventy white men, and, with the Indian auxiliaries, marched upon the Mission San José, where the enemy were supposed to be intrenched in force. Having no artillery with them, it was necessary to take the Mission by storm if possible, and Raphero at once undertook the task. Charging at the head of his men right up to the walls, he there caused several horses to be placed side by side, and their riders standing erect on the saddles, formed a

pyramid up which the chief climbed, followed by the rest of the band, and gained the interior, though only to find that the enemy had fled. After several skirmishes the natives retreated to the lower part of Upper California, and here a final battle was fought, resulting in the defeat of Micheltorena, his capitulation, and subsequent retreat from the State. Up to this time white settlers had been fighting on both sides, but here they were brought face to face for the first time. Wisely considering that there was no necessity for them to slaughter each other, they held a conference, and decided to withdraw their forces, leaving the native Californians and the Mexicans to fight it out among themselves. The native Californians were commanded by Pio Pico and Señor José Castro, and were about ninety strong. They were intrenched in a ravine, from which it would have been extremely difficult to dislodge them, and previous to the withdrawal of the white contingent Raphero asked permission to attack Castro's force, expressing his confidence in the issue. The request was not granted, but being afterwards asked what his plan of attack would

have been, he coolly replied that he intended to strip his Indians, leaving them only their muskets and bows and arrows, and then charge the enemy, reserving his fire until he was close upon them. His men, after discharging their muskets, were to have thrown them away, and taken to their bows and arrows, with which they could fire volley after volley before their antagonists would have had time to reload. He expected to be killed himself in the charge, but he believed that it would have been successful. This was the man who, after fighting side by side with Sutter, was now destined to meet his death at the hands of his old commander.

We now resume the thread of our story, having left the colonists at the Fort peaceably engaged in agriculture, hunting, and trading. In the Spring of 1846 Sutter received intelligence to the effect that the Spaniards at the Mission San José were inciting the Indians to attack him and burn his wheat. They had always regarded him with jealousy as a foreign intruder upon their soil, and at length their dislike was about to take shape in open hostili-

ties. He learned, moreover, that Raphero had been induced to take command of the Indians who were charged with the work of destruction, and knowing the energy, cunning, and bravery of the Mokelumne chief, he felt that prompt and decisive action was necessary. Some time before this Raphero had killed a brother in law of his own. In that unsettled period, when the laws were either wholly disregarded or loosely administered, this homicide would, under ordinary circumstances, have probably entailed no punishment upon the offender ; but Sutter saw in it the opportunity he needed, and being armed with the requisite authority, as a Mexican Alcalde, he caused Raphero to be arrested on a charge of murder, and brought prisoner to the Fort. Undoubtedly he was doomed from the moment he set foot within those walls. His influence with his tribe, his desperate courage, and his sagacity, rendered him an enemy too formidable to be suffered to escape. A trial was granted him, and his defense was characteristically shrewd. He held a commission as lieutenant from the Mexican Government, and claimed that under

this instrument he was authorized to kill horse thieves, and that as the relative slain by him was an offender against the laws in this respect, he should be held blameless. The defense was plausible, but, unfortunately for himself, he was unable to prove that the slain man was a horse thief; and after a reasonable time had been given him to collect evidence on this point, he was convicted of murder, and sentenced to be shot. Marshall and his comrades were called upon to execute the sentence, but they refused, and Sutter was compelled to rely upon his Indian trappers. Raphero met his fate with stoical coolness. When he was led to the place of execution, and the firing party were drawn up in front of him, it was found that a horse was standing in the line of fire, at his rear. A man was sent to remove the animal, and while the party were waiting, Raphero turned his head and asked the cause of the delay. "Why do you not shoot me?" he cried; "Are you afraid?" In another minute the signal was given, and six balls riddled the breast of the unfortunate chief, who fell forward and died without a murmur or a sigh. So

impressed were Marshall and the other white men with his bravery that they gave him a military funeral, firing volleys over his grave in token of their respect for his undying courage.

Sutter now found it necessary to make preparations for resisting the attack of the Indians, and concluding that it would be better to carry the war into the enemy's country than to wait for their onset, he assembled all the settlers in the neighborhood, and with a force numbering twenty-five white men and about fifteen Indians, set out to intercept them. Having been informed that the Mokelumne Indians were camped amid a thicket on the further side of the Mokelumne River, the invading party constructed a light raft, on which they placed their arms and ammunition, and entering the water, prepared to push it across the stream. The river, however, had just been raised by a snow freshet, and on reaching the middle many of the men were carried off their feet. Those who could not swim became alarmed, and attempted to climb on the raft, in doing which it was upset, and the greater part of the arms and ammunition lost. In spite of this

disaster, however, the party proceeded, and on reaching the further shore soon found the hiding place of the Indians. The latter were strongly intrenched in the midst of a mass of weeds, grass, and brush, so dense that the attacking party were compelled to cut their way through it with their knives. Marshall and one of the Indian hunters were the first to work their way to the front, where they found that the Indians had ensconced themselves behind two huge tree trunks, lying horizontally, between which they had left a narrow gap through which they could shoot their arrows. As the two men were reconnoitering, an arrow whizzed by Marshall's head and struck his companion, plowing up his scalp and lodging in the wound, without, however, penetrating the skull. The wounded man retreated, and Marshall drew out the arrow, which it appeared was poisoned. The remedies applied would have startled a surgeon, but they proved effectual. The hunter made a poultice of herbs, which Marshall supplemented with a well masticated quid of tobacco, and, strange

to say, the wound healed rapidly, in spite of the poison. The fight was kept up in a desultory way for several hours, but as Sutter's party had lost most of their firearms, they dared not venture upon a close attack ; and so, after one had been wounded on either side, the settlers returned to the fort, while the Indians made the best of their way back to the Mission. This expedition was certainly not marked by any very exciting events, nor was opportunity afforded for any grand exploits ; but it had the intended effect, in preventing the Indians from carrying out their projected raid, which was finally abandoned by them.

The settlers were not molested by the Indians after this, and a short interval of quiet ensued, which we will take the advantage of to relate a little incident that may possess some interest for the good people who now inhabit the flourishing City of Sacramento. At the time we write of Sacramento was still "in the womb of the future," and its site was a swamp of a decidedly repellant aspect. Sutter's Fort had been built well back from the river, to

avoid the freshets which from time to time caused it to overflow its banks, and converted the adjacent low lying country into a shallow inland sea. When the river was confined within its banks, a ferry was necessary, and Sutter had stationed an Indian ferryman in a small hut situated on the bank, just about where the junction of Front and I streets now is. One day in the Winter of 1846, a freshet came down, and the river rose, and flooded the country round about. Sutter waited for his ferryman to come in, but as he did not appear, it began to be feared that the freshet had carried away his boat, and left him a prisoner; so a rescue was planned. Marshall and two other men got an old canoe, and having patched her up temporarily, started off in search of the Indian. They had hard work to get along, for the weeds and brush impeded them, but by dint of paddling and hauling and poling they at length reached their destination, to find the old ferryman, with his squaw and pickaninnies, huddled together on the roof of their frail *tule* hut, which was just above the level of the water. The

only point of interest in the story is the fact that Marshall and his comrade then paddled their canoe right over the site of the City of Sacramento, and that the old Indian's *tule* hut occupied the present location of the Central Pacific Railroad Depot.



CHAPTER II.

THE BEAR FLAG WAR—HOW IT WAS INAUGURATED—THE SETTLER'S
FLAG—FREMONT JOINS THE SETTLERS—PURSUIT OF JOAQUIN—
HIS ESCAPE.

THE Summer of 1846 came, and brought serious trouble with it. Intelligence had been received that a large party of immigrants—some four hundred—were coming across the mountains, and this news had reached the ears of the native Californians, who were alarmed at the prospect of an influx of those terribly energetic and pushing "Americanos." In truth, they had been very uneasy for some time. Accustomed to a lazy, dreamy life, in which no thought of improving the country or developing its resources found a place, they regarded the advent of these hardy, industrious, pushing foreigners, with a jealousy and a fear akin to

that which the red man experiences at the approach of civilization. Already they had attempted to rid themselves of their unwelcome visitors, and though the white settlers were few in number, it had been found impossible to dislodge or to circumvent them. And if the small band already in the country had secured so firm a hold, what must be expected when four or five hundred men—the vanguard, perhaps, of an immense army of emigrants—poured down the western slopes of the Sierras, and turned their stock loose in the choicest lands of the great valleys? The prospect was decidedly unpleasant, and so seriously did it alarm the Mexicans that a resolve was made to gather a strong force, meet the dreaded immigrants on the eastern side of the Sierras, and turn them back, by force if it seemed possible, and failing that, by driving off their cattle and starving them out. This course having been decided upon, General José Castro sent a lieutenant with twelve men to the Mission San Rafael, to collect all the Government horses at pasture there, and drive them down to San José, where they were to be used in mounting the troops.

If the lieutenant had succeeded in his mission it is probable that the settlement of California would have been delayed somewhat, though the issue would doubtless have been the same eventually. But he was not destined to succeed, and the cause of his failure was, naturally enough, a woman. In crossing the Sacramento River at Knight's Landing, the officer met Mrs. Knight, and finding that she was a New Mexican woman, he entrusted her with the secret of the expedition. She listened, drew him out, and having obtained all the information he could give her, went, like a true wife, and told her husband all she had heard. Knight was indignant when informed of the plot against his countrymen, and, manlike, would have blurted out his opinion before the officer, and thereby, perhaps, frustrated his own desires. But his wife had more sagacity, and her advice was that he should assist the lieutenant and his men to cross the river, give them fair words, and as soon as they were out of sight saddle his best horse, raise his friends, and pursuing the Mexicans, take the horses from them before they had time to cross the San Joaquin. This

advice was followed. At this time Col. Fremont was camped at Sutter's Buttes, the strange weird looking mountainous formation which attracts the eye of the traveler on the plain north of Marysville. To him Knight repaired, and told his story. Fremont listened attentively, and then informed his visitor that he could render him no assistance, being a United States officer, and therefore bound to maintain friendly relations with a power at peace with the Government. He however, suggested the propriety of gathering together all the white settlers, they being under no such restrictions. Knight hurried away, and in a short time had raised twelve men. They at once started in pursuit of the Mexicans, overtook them at the Consumnes, captured the bulk of the horses, leaving the lieutenant and his men two animals each, and by him sent word to José Castro that they were "on the war path." Thus was the Bear Flag war inaugurated, and so primitive, but comprehensive, was the declaration of hostilities on the part of the settlers.

And now it became necessary to make up, by celerity of movement and decision of action,

for paucity of numbers. The men who had undertaken this war knew well who they had to deal with, but were confident in their own resources, and never hesitated, or shrunk from the odds opposed to them. Two days after the capture of the horses, Merritt, who had been entrusted with the command, raised about fifteen men, started for Sonoma, and arriving there before the news of the revolt had been received, captured General Vejio, Col. Proudhon, Col. Reis, and Capt. Vejio. On their way they were joined by ten settlers from Napa Valley, and the whole band then proceeded to Sutter's Fort, and demanded its surrender. It must be borne in mind that General Sutter was at this time an official under the Mexican Government, and though it was not expected for a moment that he would take sides against his countrymen, it was deemed necessary to secure the fort and transfer its allegiance. He at once complied with the demand of the settlers, and they having entered the fort, proceeded to haul down the Mexican colors and to raise the Bear Flag.

We may as well state here how this flag came

to be adopted. There were at that time a large number of grizzlies in the State, and few of the settlers had escaped a tussle with them. When, therefore, the question was raised of the kind of flag to be adopted, the old hunters naturally thought of their four-footed enemy, and remembering his pluck and ferocity, thought no better emblem could be chosen. The way the flag was made is worthy of narration. There was no bunting to be had, and nobody was artist enough to paint a bear. So they procured a piece of sheeting—the sort known in commerce as “common domestic”—and having mixed a quantity of powdered charcoal and grease, one of the party daubed a rude image of a bear on the white flag with his fingers. The emblem was not a success, artistically considered; indeed, some of the party, who had an eye for beauty of form, expressed doubts as to whether the animal represented did not more closely resemble a pig than a bear. However, the flag was a good enough one to fight under, and while it floated the enemy seldom found time to discuss the accuracy of its design.

Shortly after this, Fremont moved down with his exploring party to the north side of the American River, and camped nearly opposite Sutter's Fort. He had by this time determined to join the settlers, and with this resolve he prepared to resign his commission. To have sent a messenger on to Washington, and to have awaited his return, would have been clearly impossible, and Fremont had no intention of adopting any such circuitous method. Having drawn up his resignation, he charged two of his men with the duty of conveying it to Washington, and discharged his mind of further anxiety in the premises. The messengers set out as though bent upon reaching the Capital as quickly as possible, and after making one day's journey, turned back and rejoined their friends, who were of course very much surprised to see them again. Fremont, previous to resigning his commission, had sounded his men, and ascertained that they were all willing to aid him in the conquest of California, and without further delay the two parties joined their forces, Sutter, Marshall, and the rest, having cast in their lot with their countrymen also.

Col. Fremont's course at this juncture is generally understood to have been something more than the result of a momentary inspiration. His presence in the neighborhood of the outbreak at the critical moment was perhaps accidental, but there is every reason to believe that he had received instructions to stay in California, and combat foreign influences as much as possible—which meant that he was to pave the way for the absorption of the country by the United States.

The junction of forces had been scarcely completed when intelligence was received to the effect that Gen. Castro, with two hundred and fifty men, was on his way to attack Sonoma, where a small garrison had been left by the settlers. Upon receipt of this news, the whole band of Bear Flag warriors marched from the fort to relieve the threatened town. A description of this army would be anything but easy. Probably since Falstaff's ragged regiment was immortalized no such extraordinary gathering ever took place. There was scarcely a country or nationality under the sun unrepresented, and the costumes were as various as the races from

which the wearers sprung. There were Americans, French, English, Swiss, Poles, Russians, Prussians, Chilenians, Germans, Greeks, Austrians, Pawnees, native Indians, riding side by side and talking a polyglot lingual hash never exceeded in diversity since the confusion of tongues at the Tower of Babel. Some wore the relics of their homespun garments ; some relied upon the antelope and the bear for their wardrobe ; some were lightly habited in buckskin leggings and a coat of war paint ; and their weapons were equally various. There was the grim old hunter with his long and heavy rifle ; the farmer with his double barreled shot gun ; the Indian with his bow and arrows, and others with horse pistols, revolvers, sabres, ship cutlasses, bowie knives, and "pepper boxes." Marshall riding near the head of the column, and glancing back at the motley array, was so struck with the quaintness of the picture, and the number of nations represented, that he exclaimed : "Well ! If they whip this crowd, they can beat all the world ; for Castro will whip all nations, languages and tongues." But though the Bear Flag army was a queer one to look

at, it comprised as effective a body of fighting men as could have been collected. Every member of the force was inured to hardship and privation, self reliant, fertile in resources, versed in woodcraft and Indian fighting, accustomed to handle firearms, and full of energy and daring. It was a band of hardy adventurers such as, in an earlier age, and under other circumstances, wrested this continent from the feeble aborigines.

The party proceeded towards Sonoma, and on the way picked up a piece of news which quickened their desire to meet the enemy. They learned that, a few days previously, four white men, traveling peaceably through the country, had been attacked by a number of Mexicans on the ranch of Gen. Vejas' wife's mother. The owner of the ranch had done all she could to protect them, but in vain, and the barbarous captors had taken them away, and murdered three out of the four, mutilating their bodies horribly. It may well be imagined that this news did not slacken the advance of the relief party. They hurried forward, and reached Sonoma in time to save the garrison.

In the meantime Todd, the only survivor of the four Americans mentioned above, had been taken by his captors to the Petaluma Ranch, and while the Mexicans were there, a party of thirteen settlers, who were out hunting horses, suddenly came upon them. The enemy had eighty men, well armed and mounted, but the brave thirteen did not dream of surrender. Finding themselves surrounded, in a dry ravine, they sat down in the grass, rested their rifles on their knees, and quietly awaited the assault. The Mexicans charged furiously. The settlers' rifles rang out, and four saddles were emptied in a moment, while several men were severely wounded. This was more than Major Joaquin, the commander, had bargained for, and he drew off his forces forthwith. While this was going on a woman in the ranch house cut Todd's bonds, and told him to join his friends. He did so, and the whole party effected their retreat in safety.

The force at Sonoma, having relieved that place, now set out, with Fremont at their head, in search of Joaquin and his band, supposing that Castro had crossed the bay with two hun-

dred and fifty men to support him. Hearing that the Mexicans had entrenched themselves at San Rafael, they marched upon that place, and charged briskly upon it, the three first men who reached the walls being Fremont, Kit Carson, and Marshall, in the order named. Here, however, their valor was thrown away, for Joaquin, hearing of their approach, had evacuated the place and taken the back track, hoping to find Sonoma unprotected. The Bear Flag army lay three days at San Rafael, watching Castro, who was seen on the opposite side of the bay with a considerable force. He, however, suspected something, and would not cross, but sending three men over in a boat to reconnoitre, they were seized and shot as spies immediately on landing—whether justifiably or not is by no means clear, though it is probable that their death was inflicted more in revenge for the murder of the three Americans than for any other reason. At the end of the three days word was brought that Joaquin was threatening Sonoma, and the settlers at once set out in pursuit of him. Strangely enough they passed within one mile of his camp, at night,

without discovering it, and he immediately started south again, and succeeded in reaching Saucelito about three hours ahead of his pursuers. Here he seized a launch that was lying there, put his saddles on board, turned his horses loose, and embarking with his men, was far out in the bay when the settlers reached Saucelito. Having no boat, or means of pursuit, they were compelled to abandon the chase; but being in urgent need of ammunition, they determined to apply to Captain Montgomery, commander of the United States sloop of war Portsmouth, then lying in the bay. Their interview with this officer, and the result of their application, deserve a somewhat detailed narration.



CHAPTER III.

HOW AMMUNITION WAS PROCURED—THE CAPTURE OF MONTEREY—
THE REVOLT AT LOS ANGELES—MARSHALL AND THE BUSHES—
CAPITULATION AND RETREAT.

HAVING determined to apply to the commander of the Portsmouth for aid, a delegation, of which Marshall was a member, was sent on board to state the case on behalf of the settlers. Captain Montgomery heard them patiently, and then remarked :

“Gentlemen, I am astonished at your audacity. Are you not aware that you are rebels? That you are in arms against the Government of this country, and that I am an officer of the United States Navy, a power with which Mexico is at peace? I cannot entertain your proposition for a moment, and though, if you were to succeed in your endea-

vors, the case would be altered, it is utterly impossible that I should assist you in any way *at present*."

The delegation, upon receiving this rebuff, looked at one another in a crest-fallen and melancholy way, and restraining with some difficulty an angry inclination to give the churlish Captain a piece of their minds, they turned to leave the vessel, while the commander hurried below. They were about to descend the side when one of the lieutenants approached and called them to him. "You must have known," said he gravely, "that Captain Montgomery could not give you any ammunition. It would be as much as his commission was worth. Besides, a good deal of our ammunition is slightly damaged by wet, and we are going to land a quantity to-morrow for the purpose of drying it."

There was a lurking twinkle in the lieutenant's eye as he said this, but no smile appeared upon his face, and while his auditors exchanged meaning glances, for they had begun to scent a new development, he proceeded: "I have been looking around this morning for a favorable

place to dry the powder, and I have chosen that spot"—pointing directly to a little level plateau near the water's edge. By this time a broad grin was beginning to steal over the faces of the delegation, but repressing their mirthful tendencies, they took leave of the officer, expressing their regrets that the rules of the service were so inexorable, but assuring him that they bore Captain Montgomery no ill-will, comprehending that he was but fulfilling his duty. So the interview terminated, and though the application had been unsuccessful, strange to say the settlers were not in the least disappointed, but on the contrary appeared quite sanguine and joyous.

On the morrow a boat put off from the Portsmouth, and a load of powder and lead was carefully landed, and arranged in the most methodical manner on the little plateau before mentioned. But suddenly, while the seamen were engaged in this work, a band of armed men burst upon them, secured their arms, and then coolly seized the ammunition and carried it off as fast as possible. Of course the people on board the Portsmouth had no idea of

what was going on, but when the robbers had secured the last ounce of lead and pound of powder, they politely escorted the sailors and their officer to the boat, and sent them back to the ship, unharmed. It was not to be expected that a United States man-of-war could put up with so flagrant an outrage as this attack upon her men and confiscation of her stores, and it soon became evident that Captain Montgomery was bent on vengeance. Soon after the boat returned an unusual bustle was manifest on board the ship. The boatswain's pipe whistled shrilly, the frowning ports were dropped, the guns next the shore were run out, and a warp being got out the ship began to swing her broadside round towards the spot where the audacious Bear Flag warriors still stood. Presently the grim teeth of the sloop faced the plateau, and in a moment more a sharp order was heard, followed by flashes, puffs of white smoke, and roars, one, two, three, four in number. Upon this the settlers thought it best to leave, more especially as the shots, though evidently directed at the summits of the adjoining hills, might have

rolled down the declivities, and hurt somebody. This was the last heard of the ammunition. We presume that Captain Montgomery made a return of it as "expended," and the Government was none the wiser, though perhaps that boat load of powder and lead had a good deal to do with the cession of California to the United States.

After this exploit the settlers sent a party to Fort Point to spike some old guns left there by the Spaniards, and then returned to Sonoma, where they effected a more complete organization, electing officers, etc. Having done this they set out for Sutter's Fort, expecting to meet Joaquin on the way. The whole plan of their campaign was to keep the Mexican forces in the lower part of the State until the emigrants then on their way had had time to cross the mountains and get well into California. On arriving at the fort, Col. Fremont received a dispatch from Commodore John S. Sloat, who had just taken Monterey, ordering him to repair to that place without delay. As one of the most interesting points connected with the later history of California, it may be worth a

short digression to relate how the Commodore came to take Monterey.

At this time war was imminent between the United States and Mexico, and the former Government had already determined upon the seizure of California in the event of actual hostilities. It was, however, difficult to communicate with the naval commanders on the coast, and so they received conditional orders. Thus Commodore Sloat, in command of the United States frigate Savannah, was instructed to capture Monterey if hostilities broke out, but he knew as well as the Government did that he would be compelled to keep a very sharp lookout, lest he should be forestalled by some other power. He was lying at Mazatlan, in company with another American vessel, and the "Collingwood," British line of battle ship, under the command of Admiral Seymour, was there, also. Sloat found reason to suspect that Seymour's instructions were, also, to seize Monterey, for England at that time was regarding California with a hungry eye, and it was reported that she had made an arrangement with Mexico to hold the Golden Gate in the

event of a war. It may have been merely such a transfer of property as fraudulent bankrupts sometimes make, to save it from their creditors. It may have been a *bona fide* agreement for a sale in fee. However, this is certain, that the Admiral was constantly in communication with the Mexican Capital, and was evidently on good terms with the Government. The Commodore had no dispatches, but he had the "Collingwood" beside him, and he watched every move on board of her. On a certain day a courier arrived from the City of Mexico with dispatches for the Admiral, and no sooner had he perused them than it became evident something important had transpired. The boatswain's whistle piped shrilly on the decks of the lofty line of battle ship; the windlass creaked as the men walked her up to her anchors, with fife and drum; the topmen flew aloft and cast off the gaskets; the boats were hoisted in; the ports closed; and everything betokened a speedy departure. As soon as the Commodore saw these preparations he gave orders to heave short, and his consort followed suit; and scarcely had the huge hulk of the

British ship glided out of the harbor, under a cloud of canvas, than she was followed by the American vessels. Once outside they soon parted company, and there ensued an anxious and exciting passage, so far as the Commodore was concerned. In the first place, he was not obeying his instructions, which were to wait until hostilities had been declared; and he knew no more than the man in the moon whether peace or war existed. In the second place, he had received no orders as to the course he should follow if he found that England had been beforehand with him, nor would any orders have enabled him to compete with a line of battle ship. What he should do if he discovered the British flag flying over Monterey, and protected by the heavy guns of the "Collingwood," perhaps he had not himself decided; but he was perfectly clear upon one point, and that was, that he was going to take Monterey, if he could.

The passage came to an end at last, and as the vessels entered the Bay of Monterey, every eye and every glass were directed to the fort and the Custom House—where, to their

unspeakable delight and relief, the Mexican flag floated lazily in the fickle summer breeze. To anchor, man the boats, pull ashore, demand the surrender of the place, receive the submission of the Mexican authorities, and hoist the stars and stripes, was the work of a very short time, since no attempt at resistance was made. This having been accomplished, the commander returned to his ship and awaited developments. Two days passed, and brought no change, but on the third the lookout descried the "Collingwood" making for the harbor. When the Commodore was informed that the British man-of-war was in sight, he mused. He cast an affectionate look at the old flag floating from the fort on shore, and another at the one above his head. He paced the quarter deck back and forth, frowned, whistled softly, bit his lip. At last his brow cleared, and calling his first officer, he gave orders to prepare for action. In a short time the guns were loaded and double-shotted, the yards slung, the hammock nettings triced up, the sailmakers aloft, the topmen in their places, the surgeon and his mates preparing for anatomical practice

in the cockpit, and every one at their posts. Only the ports were kept closed, and the guns were thus concealed. These formidable preparations had scarcely been completed when the stately "Collingwood" made her appearance, and sailed smoothly into the harbor, anchoring not far from the "Savannah." The Commodore sent a boat on board the Admiral to congratulate him on his arrival. The Admiral returned the visit in person. As he stepped into the gangway of the "Savannah" his practiced eye took in the situation at a glance, but he made no remark on the peculiar condition of the frigate, and turning quietly to the Commodore, after shaking hands, asked him "How long has that flag been flying there, Commodore?"—pointing to the starry ensign waving over Monterey Fort. "Three days," was the reply. "Then I am just three days too late!" rejoined the Admiral.

It is curious to note upon what apparent accidents the fate of great enterprises often depends. Had the "Collingwood" arrived before the "Savannah," California might have been an English province, and the wealth of

New Albion would have balanced that of Australia. And had Admiral Seymour been as enterprising or as ready to take risks, as was the old Commodore, the chances are that he would have blown the "Savannah" out of the water, even there, and retaken the place; for he unquestionably had the power to do it. But the destiny of California was fixed, and it was not a British destiny.

After the usual conversation had passed between the two commanders, the Admiral turned to the Commadore and said: "Commodore, I know you are a plain man, and therefore I will ask you plainly, now that this affair is settled, whether you received any dispatches when you were at Mazatlan?"

"I did not, Admiral," was the reply.

"Well," observed Seymour, "of course you know your own Government best, and as the case has turned out, you have probably done the best thing you could have done. But considering that you were ignorant of the declaration of war between Mexico and the United States, you have done what no officer in *our* service would have ventured upon." Here he

paused, and glancing for a moment from the warlike preparations around to the face of the Commodore, he continued :

"Commodore, isn't this a curious time to exercise your guns?"

"I could not tell," replied the Commodore grin, "whether I might not be compelled to exercise them to some purpose—to defend that flag," nodding towards the fort.

The Admiral smiled. "Now tell me," he said, "supposing you had come here and found the English flag there, and the "Collingwood" prepared to keep it there, what would you have done?"

The Commodore reflected a moment, and after hesitating an instant, broke out : "Well, Admiral, I'd have given you a broadside any how, I believe ; and then I'd have expected you to sink me, and my Government would have had to settle the matter." And that was how Commodore Sloat succeeded, and Admiral Seymour failed, in capturing Monterey, and in (virtually) securing California to the United States.

It was on the 7th day of July, 1846, that Commodore Sloat hoisted the American flag at

Monterey. Shortly after the events recorded the United States frigate Congress, Commodore Stockton commander, arrived, and at once took command of the naval forces. On learning the condition of affairs in the interior, the progress of the Bear Flag war, and the movements of the enemy, Stockton determined to achieve the independence of California, and so deeply interested was he in the matter, that he swore he would expend half his private fortune (which was very large) rather than fail of success.

Preparations were at once made for enlisting the services of the naval force. A mixed body of sailors and marines, together with the California Battalion, were embarked on board the United States vessel Cyane, which had accompanied the Savannah from Mazatlan, and she started for San Diego. During the passage an attempt was made to impart instruction in the mysteries of military drill to the warriors of the Bear Flag, but was soon abandoned as hopeless, they adhering to their own notions of fighting, which, though somewhat akin to guerrilla warfare, proved effective enough in action. On landing at San Diego, Don Andreas Pico,

brother of the Governor, Pio Pico, a fine, manly, warm-hearted and honorable gentleman, was met with, and would have been sacrificed to the reckless fury of the settlers but for the mediation of Captain Fitch, an old resident of San Diego, who saved his life by pledging himself for his honor and uprightness.

He was subsequently permitted to leave for Los Angeles with the news of the capture of San Diego. Several native Californians joined the American forces here, and through their assistance some sixty horses were procured, with which a portion of the band was mounted. Fremont then started for Los Angeles, (a distance of one hundred and forty miles,) leaving forty men, among whom was Marshall, to garrison San Diego. After spending a month here, during which time Stockton had taken Los Angeles, they were ordered to that town, which had been left in charge of Capt. Gillespie. General Castro and Pio Pico had been routed, and had fled to Mexico with a few of their men.

Soon after arriving at Los Angeles, Marshall noticed that there was much discontent among

the native Californians who had joined the American forces. Gillespie had established martial law, and had issued several very severe orders for the discipline of the place, which orders had much exasperated the Californians. Many of the sailors and marines had taken to drinking, and several of them had sold their muskets for liquor. There was a notable lack of watchfulness on the part of the Americans, and a cloud of discontent, that might at any moment break out into open revolt, was gathering. Marshall, with the keen observation of a frontiersman, accustomed to watch for signs, and to draw conclusions from small indications, noted these things, and determined to keep a strict lookout. One day he was strolling through the town, when he was attracted by the conversation of two Mexicans in a low groggery. Pretending ignorance of their language, he lulled their suspicions, and heard them talking about a certain six-pound brass cannon which they said was buried in a widow's garden near the town. He at once informed Gillespie of what he had heard, but the latter laughed at the story, being confident that Stockton had col-

lected all the cannon in the neighborhood, and secured it. Still Marshall was convinced that trouble was brewing, and he was confirmed in his suspicions on the following day, when, as he walked through the Indian quarter, he came upon a knot of men who were drinking and pledging toasts to "Castro, Revolution, and California." At this time Marshall was employed as chief carpenter, and had just received orders to fit up the officers' quarters (which were situated in the Government building) with some new furniture. Feeling certain that an attack was contemplated by the Californians, he now determined to take the responsibility of applying the lumber he had received for the furniture to a different purpose, and accordingly spent the next day in repairing and strengthening the gates of the building. He finished his work on Monday night, and on Wednesday, about midnight, his sagacity and foresight were vindicated, for at that time the Californians rose in revolt, and made an attack upon the Government house. But for the good work done by him on the gates there might have been a general massacre of the Americans, but

the strong portals withstood the attack of the besiegers, the besieged had time to rally, and the assaulting party was finally forced to retreat, with a loss of some eight killed.

This, however, was but the commencement of the attack. The Californians, finding it impossible to take the quarters by storm, retired, and having gathered a force of some five hundred men, prepared to lay siege to the Americans. The situation of the Government house was peculiarly unfortunate. Immediately in front of it rose a hill, the summit of which commanded every portion of the courtyard and buildings, and it was at once seen that if the besiegers could mount a gun on the hill they would have the Americans at their mercy. While they were deliberating as to the best course to pursue, a shout was heard from the enemy, and looking out it was seen that they were approaching the hill, carrying with them a *six-pound brass cannon*. At this sight Marshall turned to Gillespie, and observed grimly: "There, Gillespie, there's my gun, that you wouldn't believe in!" The officer bit his lip, but made no reply. The danger, however, was

pressing, and some expedient had to be devised without delay. Marshall was equal to the emergency, and at once declared that their only chance was to get a gun on the crest of the hill before the Mexicans could reach it. Gillespie thought this was good enough advice, but unfortunately they had no serviceable artillery. It was true that two or three old cannons lay in the courtyard, but they were all spiked and useless. Now, Marshall had, two or three days before, asked Gillespie for nitric acid to unspike one of these guns, and had been refused. He now advised the officer to procure some acid, but without waiting for it he took a hammer and cold chisel, and in five minutes had cleared the touch hole of a four-pounder. In the meantime some of the men were employed in improvising cartridges for the gun, and this having been rapidly effected, a sally was made from the citadel, and a run for the top of the hill commenced. The Californians had not been idle while these preparations were making, but they had further to go, and thus the chances were about even. Neither party could see the other, as they were ascend-

ing the hill from opposite directions, and as the Americans neared the crest the excitement became intense. If the enemy secured the position, they would themselves reach the top just in time to receive a deadly discharge from the six-pounder, and they could not tell where their opponents were. Still, they strained every nerve up the steep slope, dragging the gun with them, and at length, as they surmounted the crest, a cheer burst from them, as they saw the Californians still a considerable distance off, they having made the ascent in a more leisurely manner, being unaware that they were engaged in a match against time. It was the work of but a very few minutes to plant their gun and point it, and before the Mexicans had time to realize the situation, a rattling discharge came tearing in among them, bringing them to a sudden halt, which changed to a hasty retreat when they saw how they had been out-manœuvred.

After this the Mexicans made no more demonstrations that day; but as there was no telling when they would attack again, it was necessary to keep the position on the hill, and

for this purpose a guard was placed over the gun, and sentries posted about the sides and brow of the eminence. Marshall was one of these sentinels ; and fearing that the Mexicans might mark the position of the tent which had been erected on the hill for the shelter of the guard, and charge upon it in the night, he suggested that it be quietly shifted after dark, to a position some distance from the gun, so as to deceive the enemy. This was done, and the watch being set, night fell, and silence reigned. Now, Marshall's frontier life had endowed him with a keenness of vision and of hearing such as none but savages and back-woodsmen possess. He could see almost as well in the dark as in the day, and a pitchy blackness that would have been hopeless obscurity to the eyes of a dweller in cities, was to him only a dim sort of twilight. On this occasion the night was very dark, and as he kept guard with his trusty rifle in his arm, ready for instant use, he continually peered through the gloom, and listened with all his ears. Presently it seemed to him that a bush which grew on the edge of the hill, was growing larger. Now it

may not be known to everyone that constant looking at a bush or a tree at night will produce an optical illusion, as of its increase in size. Marshall had often experienced this, and therefore his first impulse was to attribute the change he had noticed to such a cause. But in returning to the same place again, he observed that where there had been but *one* bush before, there now appeared to be *two*; and he knew bushes did not multiply in that way. His suspicions were now thoroughly aroused, and posting himself where he could watch the spot without danger of being shot, he remained there until he was relieved. No attack was made that night, and when he told the story of the bushes growing, he was laughed at. But he had too much confidence in his own power of observation to be ridiculed out of his belief, and so quietly requested that Captain Hensley would accompany him to where the bushes had been seen. The captain complied, thinking to have a good joke at his expense, but on arriving at the place, Marshall's suspicions were confirmed, for there, just behind the brow of the hill, were the unmistakable

evidences of the recent presence of a body of men forty or fifty in number. Doubtless they had contemplated an attack that night, but the removal of the tent, and the watchfulness of the sentinels, foiled them, and they concluded to retire and wait for daylight.

The following day the Mexicans appeared in force before the citadel, and demanded the surrender of the garrison, and that they should give up their arms. To this Gillespie replied that the arms did not belong to the United States, but to the men themselves, and that they were resolved to surrender them only with their lives. The besiegers held a consultation upon the receipt of this answer, being evidently disinclined to take the men's arms upon such conditions. Finally, after some time spent in negotiation, Captain Gillespie, seeing that it would be impossible to hold the place against the odds brought against him, capitulated, the terms being that he should march out with music, and colors flying, and should carry his artillery out with him, and embark on the ship *Vandaria*, a merchant vessel then lying at San Pedro. The music, of course, was left to the

imagination, but the little garrison marched out with colors flying, carrying their artillery. On the way down to the beach an attempt was made by some of the natives to incite an attack upon them, but the sight of the four guns, which were loaded with grape, and each attended by a grim-looking fellow carrying a burning match, exerted a wholesome influence upon the treacherous Mexicans, and they concluded that it was as well to let the Americans go. On reaching the Vandaria they embarked, having first spiked their guns, lest the enemy might employ them, and remained here three or four days, when the United States frigate Savannah came into port, and the commander, Captain Mervin, at once organized an expedition to retake the Pueblo de Los Angeles, which the Mexicans had possessed themselves of.



CHAPTER IV.

FIGHT AT DOMINGUES RANCH—THE FLYING GUNS—STATIONED AT
SAN DIEGO—VOLUNTEERS DESTROY WHISKY—KEARNY AT SAN
PASQUALE—FIGHT OF SAN GABRIEL AND PLAINS OF THE MESA—
END OF THE BEAR FLAG WAR.

IN starting from San Pedro Captain Mervin had about three hundred and ten men, composed of sailors, marines, and volunteers, but no cavalry or artillery. During the first day's march, mounted Mexicans hovered continually about this force, being careful, however, to keep well out of range. Their object was undoubtedly to ascertain the strength of the attacking party, and to cut off any stragglers who might have fallen to the rear. No attempt to stay their progress was made this day, and at nightfall they camped at Domingues Ranch, about fifteen miles from San Pedro. Next morning,

shortly after the march had been resumed, a body of mounted Mexicans appeared in their front, and it soon became evident that they had a piece of artillery with them. Captain Mervin, upon descrying the enemy, formed his men into a square, the volunteers fighting in skirmishing order, and prepared to advance upon the gun, which by this time had been placed in position. In another moment the Mexicans fired their first shot, which, being aimed too high, did no damage. The naval officers, however, were disgusted with the conduct of the volunteers, who had thrown themselves flat on the ground when they saw that the gun was about to be fired. Some insinuations were made about lack of courage, to which the hardy mountaineers coolly answered that they were there to fight, but not to be killed if they could avoid it, and that they saw no bravery or sense in standing up to be shot at with a field-piece ; besides this, being skirmishers, they were not bound to preserve regular discipline. They subsequently proved their gallantry and the wisdom of their tactics. The enemy having fired, the sailors charged upon

the gun, hoping to capture it before it could be reloaded; but the Mexicans had fastened the riatas of their horses to it, and at once dashed off in a gallop, carrying the field-piece with them at a rate that their assailants could not compete with. Having attained a safe distance they stopped, unlimbered, loaded, and fired again, and this manœuvre was repeated several times, the sailors charging as soon as the gun was discharged, the Mexicans darting off with it, stopping, loading and firing, and then moving on again. The first two or three shots did no damage, being too high, but one of them caused a ludicrous incident. Some of the sailors were armed with long boarding pikes, to repel charges from the Mexican lancers, and these weapons they carried perpendicularly for the most part, or sloped them slightly over the shoulder. One of the first shots, whistling above their heads, cut in two the pike of an Irish sailor, who, feeling the shock, and looking upward, exclaimed with great earnestness—"Be jabers, I'm dismasted!" But the fight now began to assume an aspect that rendered joking out of place. At length

the enemy had got the range, and a shot came plunging in among the brave fellows in the square, cutting a man's leg off. His comrades crowded around, forgetting discipline in their anxiety to render him some assistance, but he waved them off, and as he sank back faint with loss of blood, murmured: "Go and take the gun, and leave me!" This casualty inspired the men with redoubled energy, and they dashed forward with a cheer. But the odds against them were too great. Again the riatas came into play; again the wild horsemen sank their spurs into the sides of their panting steeds, and again the gun was whisked away, only to take up a new position a few hundred yards further on. The mode of advance adopted by Captain Mervin was, to say the least, injudicious. The square would have been well enough in repelling cavalry, but the idea of facing artillery with such a formation was as novel as it proved mistaken. Each shot told now, and in a short time eight men were killed, for the round shot with which the gun was loaded left no wound capable of healing. Still the sailors would not give up, but urgently desired their com-

mander to let them charge like the volunteers—in open order. For some unexplained reason this request was denied, and after vainly chasing the gun, which fled before them like an *ignis fatuus*, for three miles, they were compelled to abandon the undertaking and retreat to San Pedro. This was the first decided repulse the American arms had sustained; and though, of course, it had a depressing effect upon the men, they were determined to wipe it out as soon as possible, and were, indeed, confident that if allowed their own way they could have captured the gun.

Shortly after this a call for assistance at San Diego was received, and Captain Mervin sent twenty sailors and fifteen volunteers, among whom was Marshall, to support the garrison, the party being in command of the third officer of the Savannah, Lieutenant George Miner. Having reached and entered the town they began to fortify it with some old guns from a dismantled Spanish fort, and having placed themselves in a posture of defense, awaited the expected attack. The Mexicans, however, were not disposed to advance upon the place, and

contented themselves with hovering about it, and taking pot-shots at any of the garrison who showed themselves. There was a hill which commanded the garrison, and it was a favorite amusement with the "Greasers," as they were called, to creep to the crest of this eminence, from the further side, and blaze away at any incautious American who might be sitting or standing out of doors. The volunteers entered upon retaliation with spirit, and as they were generally on the watch for the enemy's sharpshooters, the crack of the latter's rifles was pretty sure to be answered by a bullet sent in the direction of the flash of the Mexican's weapon. Lieutenant Miner and his party held San Diego nearly six months, during which few eventful incidents occurred, the most notable being one which reflects no credit upon the subordinate officers attached to the garrison, while it illustrates the peculiar independent spirit in which the volunteers acted. After they had been some time in garrison, and were beginning to tire of the monotony, some of the officers managed to secure a quantity of whisky, and indulged in a heavy "spree." While under

the influence of *aguadiente* one of them, in going the rounds, fired upon a sentinel who challenged him, and this act impelled the volunteers to decisive action. They had viewed the bad conduct of their officers with disapproval before, but so long as they confined themselves to getting drunk, perhaps they would have put up with it. They were, however, by no means disposed to take the risk of being shot by their own friends, and so they now assembled and held a consultation, the result of which was that Marshall was deputed to call upon the commander and engage him in consultation, while the rest went to the officers' quarters, and captured and destroyed the mischievous liquor. Marshall performed his part well, and in a short time had the satisfaction of hearing a signal that had been agreed upon, and which indicated the success of the raiders. The satisfaction expressed in his face at this moment attracted the attention of Lieutenant Miner, with whom he was conversing, and he exclaimed: "Marshall, there is something the matter. You had a special object in coming to see me, and you have just received a signal

of some kind. What does all this mean?" Upon this Marshall disclosed the facts, greatly to the lieutenant's chagrin and indignation. "Good Heavens!" he exclaimed, "it must never be known that my men were compelled to keep my officers from getting drunk by destroying the liquor. You must promise, all of you, to keep this quiet, and I will issue an order for the destruction of the whisky myself." This was done, and we presume it was generally supposed that the order was intended to restrain the *men* and not the officers. Nevertheless, the facts were as we have stated, and the whisky was all gone before Lieutenant Miner issued his order.

At the expiration of about six months, the Congress and Cyane arrived at San Diego, and Commodore Stockton prepared to make another movement on Los Angeles. The attack was to be a concerted one, the arrangement being that Fremont, who at this time was in the Sacramento Valley, should move upon the place from the north, while Stockton attacked it from the south; and Fremont, having raised some four hundred men, had already started on the expe-

dition. In the meantime, while Stockton was arranging his forces, General Kearny entered the State from New Mexico, with a force of dragoons, and meeting Andreas Pico near San Pasquale, a fight ensued. Kearny had intended to take the enemy by surprise, but his preparations were so bad as to render this impossible. His dragoons jogged along, their sabres jingling and clashing, so as to be heard three or four miles on a still, frosty night, and having been exposed to a heavy rain, their carbines would not go off when they got into action. Their commander had been joined by some of the volunteers, but not being impressed with their outward appearance, he made the disastrous mistake of supposing that they were of no use to him, and sent them to guard the baggage, which incensed them terribly. However, when the Mexican cavalry came up, and the charge took place, the dragoons were nowhere. They fought bravely, no doubt, but what with inefficient weapons, and ignorance of the mode of fighting adopted by their antagonists, they stood but little chance of gaining the day, and so murderous was the fire of

the Mexicans that in less than five minutes Kearny had lost nineteen men out of the ninety composing his regiment. The dragoons were beaten, and when it had been demonstrated that they could no longer hold their own, the despised volunteers stepped forward, and with their long rifles and deadly aim, turned the tide of the contest, and saved their countrymen from a shameful defeat. Kearny never again alluded to the volunteers as "riff-raff"—the term he had used when he was first brought in contact with them.

A month was spent by Stockton at San Diego in organizing his forces, and he then moved upon Los Angeles, with the intention of attacking Flores, who had taken the command of the Mexican forces after the flight of Castro and Pio Pico. On the 8th of January, 1847, the contending forces met at the San Gabriel River, eight miles south of Los Angeles. The Americans numbered six hundred men, with six pieces of artillery. The force under Flores amounted to about four hundred and fifty men, with four guns. The road crossed the river at a right angle, and lay up a steep bank, and over a small

plateau, on which the Mexicans had planted their guns. Between the river and the plateau was a stretch of bottom land some six hundred yards wide, and on the left was a copse of trees, in which the enemy had ambushed a cavalry force, expecting to capture the guns with a dash as they crossed the river bottom. The American force was divided, the guns being in front, and a considerable body bringing up the rear. The position of the Mexican artillery was such that it would have been extremely difficult and dangerous to cross the plain below the plateau under their fire, but Stockton seriously proposed to charge across the intervening space, and attempt to storm the battery on the crest of the hill. Fortunately he was persuaded to leave the opening of the battle to the artillery, and before long No. 2 gun, on which Marshall was serving, had dismounted, by well directed shots, two of the enemy's pieces. At this moment the cavalry, concealed in the wood, emerged, and made a dash for the mischievous gun. But the men were too quick, and wheeling their piece round, were about to fire, when Marshall exclaimed: "Give them a stand of grape!"

No sooner said than done. Down came the lancers like a whirlwind. The cannoneers waited until they could see their eyes distinctly, and then applied the match. There was a roar, a burst of flame and smoke, and when it cleared away the horsemen were seen in hopeless confusion, scattered and torn, while riderless animals dashed madly over the plain, and the ground was strewn with the dead and the dying. At this juncture, when the Mexican officers, who fought bravely, to do them simple justice, were endeavoring to rally their men, the rear guard of the Americans opened a cross fire upon them, which completed their demoralization, and drove them in headlong flight from the field. Several of the men at No. 2 gun, however, fell in this attack, and one was killed so close to Marshall that the latter's face was bespattered with his blood and brains. This virtually ended the fight. The Mexicans could not rally, and the Americans charged up the slope and carried the plateau.

That night they camped on the San Gabriel, and next morning started to cross the Mesa. On the Plains of the Mesa they again encoun-

tered the enemy, under Flores, and here a desperate fight took place, the American forces being most of the time massed in square. After two hours hard fighting hostilities were suspended by the appearance of a delegation from Los Angeles, offering to surrender the place. On the following day, Stockton marched into the town with his forces, and Gen. Flores retreated to Sonora. Andreas Pico moved northward with the majority of his troops, to meet Fremont, who was advancing as quickly as he could towards Los Angeles. The two commanders met, and after some negotiation agreed upon the terms of the treaty by which the independence of California was secured.

So ended the Bear Flag War. We have not attempted to describe it in detail, or to trace out the operations and movements of all who were concerned in it, our object being to follow the career of Marshall, mainly, and only to give such a sketch of the history of the period as will enable our readers to comprehend the nature and significance of the events in which he was an actor.

In March, 1847, he received his discharge

from the volunteer force, but in consequence of a misunderstanding between Fremont and Stockton on the one side, and Kearny on the other, as to which of them was entitled to the supreme command in California, the men were never paid for their services. The history of this quarrel has been already written, and it is, therefore, not necessary that we should enter into any details concerning it; but it was undoubtedly a hardship upon the men who had contributed so largely by their exertions and gallantry to wrest the State from the hands of Mexico, that they should be deprived of the remuneration to which they were justly entitled. But for their shrewdness, intimate acquaintance with the habits and mode of warfare of their antagonists, and hardy habits, the conquest of California would doubtless have proved much more difficult. Had the forces landed from the United States men-of-war been left alone to meet the enemy, or had they been only supported by Kearny's dragoons, the issue of some of the most important struggles might have been very different. It may be said that in this campaign there were no contests sufficiently seri-

ous to be dignified by the name of battles, and in view of the gigantic combats which subsequently occurred, during the Rebellion, this is true. But it must be borne in mind that population was exceedingly scanty in this State at that time, and it may safely be asserted that the proportion of fighting men to the whole community was larger than in most cases. But however trivial the engagements narrated may appear, there was nothing insignificant about the issue of the campaign, and the history of the Bear Flag War will always be interesting; while the hardy settlers who inaugurated it, not only in defense of themselves but in behalf of their countrymen who were coming across the mountains, must ever be regarded with the respect and admiration due to the pioneers who hew down the barriers that stand in the way of civilization, careless, perhaps, of the results of their energy, but none the less entitled to credit for their services to humanity.



CHAPTER V.

THE DISCOVERY OF GOLD—THE OLD MILL AT COLOMA—THE WALK
BY THE TAIL-RACE—THE DISCOVERY—SUTTER DOUBTS—THE
FINAL PROOF—COLOMA THEN AND NOW.

WE have now reached a period when, the independence of the State being assured, immigration began to flow in freely. Up to this time the class of emigrants that had settled in California had consisted mainly of that restless vanguard of advancing civilization which always hovers on the frontiers, and whose mission seems to be to keep moving from place to place, from territory to territory, never staying anywhere long enough to reap the full fruit of their energy and toil, until the great settler, Death, appears, and ends their uneasy career by a final remove into another world. Some few had secured large tracts of land under

Spanish grants, and had affiliated with the native Californians, by marriage or otherwise, but the majority were as ready as ever to "pull up stakes" again, and journey on to some newer country, if such could have been found. The California of that time—1847—was altogether unlike the California of a year after, or of any subsequent period. The influence of the old padres had been broken, and the clash of arms had rudely interrupted the sleepy placidity of their lives. The American, whose restless energy and unquenchable ambition rendered him an object of terror and perplexity to those staid old souls, had, it is true, conquered the country, but he was scarcely yet prepared to possess it. There seemed, indeed, to be a lull in the stirring life of the previous years. The people were waiting, unconsciously to themselves, for something which was to change the aspect of affairs, and was to draw the eyes of the whole world upon this little-known region. About this time a quiet, steady man, was traveling from San Diego to New Helvetia, (as Sutter's Fort was then called,) pondering upon the unlucky chance which had

deprived him of all recompense for the time spent in fighting the battles of his country, and wondering whether the few horses and cattle he had left behind him at the fort, were still in the land of the living. Before the breaking out of the Bear Flag War, Marshall had purchased two leagues of land, situated on the north side of Butte Creek, (now known as Butte County,) from Samuel J. Hensley, who owned a Spanish grant of six leagues in that district. On his arrival at the fort, he at once visited this ranch, and found that the majority of his stock had strayed or been stolen during his absence. This was a heavy blow to him, for his means were small, and it certainly was not calculated to inspire a man with very fervid patriotism to discover, after spending a year in the service of his country, first, that he was not to be paid for time and risk ; and second, that his business had gone to ruin in consequence of his absence on this unprofitable expedition. However, he was not inclined to despond, or to waste more time in fruitless regrets; so, having cast about in his mind for the likeliest enterprise, he decided to go into

the lumbering business, and forthwith returned to the fort and asked Sutter to furnish him with an Indian interpreter, purposing to explore the foothills for a suitable location for a sawmill, and foreseeing the necessity of being able to converse with the mountain tribes of Indians. Sutter was at first reluctant to comply with this request, having need of Marshall's services, but after the latter had agreed to perform certain mechanical work for him, he consented, though it afterward turned out that the Indian who accompanied him knew no more of the country than he did himself. Marshall set out on his quest, and followed up the banks of the American River for several days, examining the country all around, but not finding what he considered a suitable site for his mill. The country through which he passed became more diversified as he traveled upwards. Steep cañons and considerable ranges of hills broke up the landscape, and while contributing nothing to the ease of travel, added much to the picturesqueness of the route. Presently he branched off on the South Fork of the American River, and at length reached a place which he

found was called Culloomah by the Indians, and which was afterwards known as Coloma. The river here flowed through the centre of a narrow valley, hemmed in on both sides by steep, and in some parts, almost precipitous hills. On the south side the declivity was gentlest, and here a tolerably level stretch of land invited the erection of the town which sprung up there after the discovery of gold, while the slopes beyond afforded opportunities for cultivation which in later years were fully availed of. The river makes several bends in its course through this valley, and on the south side a point of land formed by one of these curves in the stream presented the explorer with the mill site he was in search of. The water power was abundant, and the surrounding hills furnished timber in apparently inexhaustible quantities. Previous to this it had been supposed that the difficulty of bringing lumber from any point in the foothills was insurmountable, and Sutter's hunters had so impressed him with this idea that he considered Marshall's expedition little better than a waste of time. A careful examination of the locality, however, satisfied our hero that there

would be no difficulty in transporting the products of the mill to the lower country, and having marked out a favorable site, he returned to the fort, and acquainted Sutter with the successful result of the journey. At the same time he stated that he was in search of a partner with capital, to assist him in building and running the mill, and Sutter at once offered to join him in the undertaking. This was about the 1st of June, 1847, and after many delays, caused principally by the attempts of others to interfere in the business, a partnership agreement was entered into between the two on or about the 19th of August. The terms of this agreement were to the effect that Sutter should furnish the capital to build a mill, on a site selected by Marshall, who was to be the active partner, and to run the mill, receiving certain compensation for so doing. A verbal agreement was also entered into between the parties, to the effect that if, at the close of the Mexican war, (then pending,) California should belong to Mexico, Sutter, as a citizen of that Republic, should possess the mill site, Marshall retaining his rights to mill privileges, and to

cut timber, etc.; while, if the country was ceded to the United States, Marshall, as an American citizen, should own the property. The formal articles of partnership were drawn by General John Bidwell, who was then acting as clerk in Sutter's store, and were witnessed by him and Samuel Kyburg, Sutter's business manager. Shortly after these arrangements had been made, Marshall hired a man named Peter L. Wemer, with his family, and six or seven mill hands, and with several wagons containing material, provisions, tools, etc., started for Coloma. Work on the mill was at once commenced, and prosecuted with energy and rapidity.

We now approach the most important event, not only in the life of Marshall, but in the history of California, and as many erroneous statements have been made and published from time to time concerning the manner of the first discovery, and as attempts have been made to foist a spurious discoverer upon the public, we deem it proper to enter into details with such minuteness as the historical value of the event appears to demand and to warrant.

The names of the men who were then work-

ing at the mill, and who, if living, can substantiate the accuracy of this narrative, are as follows: Peter L. Wemer, William Scott, James Bargee, Alexander Stephens, James Brown, William Johnson and Henry Bigler. (The latter afterwards moved to Salt Lake, together with Brown, Stephens, and Bargee, and became an Elder in the Mormon Church). Wemer was in charge of some eight or ten Indians, whose business it was to throw out the larger sized rocks excavated while constructing the mill race, in the day time, and at night, by raising the gate of the fore-bay, the water entered and carried away the lighter stones, gravel, and sand. This was the work that was going on at the mill on the 19th of January, 1848.

On the morning of that memorable day Marshall went out as usual to superintend the men, and after closing the fore-bay gate, and thus shutting off the water, walked down the tail-race to see what sand and gravel had been removed during the night. This had been customary with him for some time, for he had previously entertained the idea that there might be minerals in the mountains, and had expressed

it to Sutter, who, however, only laughed at him. On this occasion, having strolled to the lower end of the race, he stood for a moment examining the mass of debris that had been washed down, and at this juncture his eye caught the glitter of something that lay, lodged in a crevice, on a ruffle of soft granite, some six inches under the water. His first act was to stoop and pick up the substance. It was heavy, of a peculiar color, and unlike anything he had seen in the stream before. For a few minutes he stood with it in his hand, reflecting, and endeavoring to recall all that he had heard or read concerning the various minerals. After a close examination he became satisfied that what he held in his hand must be one of three substances—mica, sulphurets of copper, or *gold*. The weight assured him that it was not mica. Could it be sulphurets of copper? He remembered that that mineral is brittle, and that gold is malleable, and as this thought passed through his mind, he turned about, placed the specimen upon a flat stone, and proceeded to test it by striking it with another. The substance did not crack or flake off; it simply bent under

the blows. This, then, was gold, and in this manner was the first gold found in California.

If we were writing a sensation tale, instead of a sober history, we might proceed to relate how Marshall sank pale and breathless upon a neighboring rock, and how, as he eyed the glittering metal in his hand, a vision rose before him of the mighty results of his discovery. But in fact nothing of the kind occurred. The discoverer was not one of the spasmodic and excitable kind, but a plain, shrewd, practical fellow, who realized the importance of the discovery, (though doubtless not to its full extent, since no one did that then,) and proceeded with his work as usual, after showing the nugget to his men and indulging in a few conjectures concerning the probable extent of the gold fields. As a matter of course, he watched closely, from time to time, for further developments, and in the course of a few days had collected several ounces of the precious metal. Although, however, he was satisfied in his own that it *was* gold, there were some who were skeptical, and as he had no means of testing it chemically, he determined to take some down

to his partner at the fort, and have the question finally decided. Some four days after the discovery it became necessary for him to go below, for Sutter had failed to send a supply of provisions to the mill, and the men were on short commons. So, mounting his horse, and taking some three ounces of gold dust with him, he started. Having always an eye to business, he availed himself of this opportunity to examine the river for a site for a lumber yard, whence the timber cut at the mill could be floated down; and while exploring for this purpose he discovered gold in a ravine in the foot-hills, and also at the place afterwards known as Mormon Island. That night he slept under an oak tree, some eight or ten miles east of the fort, where he arrived about nine o'clock the next morning. Dismounting from his horse, he entered Sutter's private office, and proceeded to inquire into the cause of the delay in sending up the provisions. This matter having been explained, and the teams being in a fair way to load, he asked for a few minutes private conversation with Colonel Sutter, and the two entered a little room at the back of the store,

reserved as a private office. Then Marshall showed him the gold. He looked at it in astonishment, and, still doubting, asked what it was. His visitor replied that it was gold. "Impossible!" was the incredulous ejaculation of Sutter. Upon this Marshall asked for some nitric acid, to test it, and a *vaquero* having been dispatched to the gunsmith's for that purpose, Sutter inquired whether there was no other way in which it could be tested. He was told that its character might be ascertained by weighing it, and accordingly some silver coin, (\$3 25 was all the fort could furnish), and a pair of small scales or balances having been obtained, Marshall proceeded to weigh the dust, first in the air, and then in two bowls of water. The experiment resulted as he had foreseen. The dust went down; the coin rose lightly up. Sutter gazed, and his doubts faded, and a subsequent test with the nitric acid, which by this time had arrived, settled the question finally. Then the excitement began to spread. Sutter knew well the value of the discovery, and in a short time, having made hurried arrangements at the fort, he re-

turned with Marshall to Coloma, to see for himself the wonder that had been reported to him.

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Two and twenty years have passed over Coloma since the day when James Marshall stood at the end of the tail-race and pondered over that bit of yellow metal. That bit of yellow metal has been multiplied by millions upon millions. The trifling acceleration of the pulse that marked the first emotion of the discoverer has swelled into a wave of maddening excitement, whose roar has re-echoed round the world. The spring struck in that little mountain valley has flowed and spread until mighty cities have been built upon its banks and communities have been refreshed by its waters. From out that wonderful vale has risen all of good and evil that can affect humanity. At first the centre of the swarming adventurers, leaping, as it were, in a moment from the quiet hum-drum of its early settlement into the full glare and crash of a mighty mining excitement, it has passed through the prosperity, the fever, the noise, the hurly-burly, and the slow decline,

and has settled at last into the peaceful semblance of some New England village.

Picture it to-day as a pretty hamlet of some two hundred inhabitants. Its broad single street so overshadowed with great heavy foliaged trees that the sidewalks are scarcely visible. Its modest, low-roofed houses, gracefully bedecked with bright flowers and fresh green creepers. Its main thoroughfare silent throughout the day, save when the daily stage dashes gallantly in, and draws up with a rattle and a crash at the door of Wells, Fargo's office—where the courteous agent sometimes might find time lay heavily upon his hands, did he not also undertake the duty of telegraph operator, besides doing a little something in trading. Upon the hill side the vineyards flourish and the orchards. In the warm Summer air the peaches mellow and grow golden and ruddy, and the great bunches of grapes swell out from behind their leafy screens, and give promise of that "wine that maketh glad the heart of man." Around the modest houses of those few who are content to pass their days in this celebrated yet little known spot, the roses and honeysuckles

clamber, and the air at evening is heavy with perfume. Up among the bends of the river some mining is still going on, but there are few claims which now yield high wages, and the Chinaman, patient and content with little, has set himself to pick up the crumbs that have fallen from the rich (white) man's table. One striking evidence of what the town has been is visible in the rear of the houses nearest the river. Close up to the back doors the bowlders are piled. It is a Titanic beach. The debris of the mining of twelve or fifteen years. Gazing upon these stones, so completely divested of earth, so white, and bare, and ugly, one is tempted to imagine them the bones of the skeleton of Gold, which has here been picked clean by the active fingers of ambitious Man.

And across the river we look in vain for the site of Sutter's mill. Years have passed since the last vestige of that structure was removed by some miner, careless of tradition, but needing timber. Even the man who first found the gold there has to scrutinize the place carefully before he can put his foot down and say: "here

is the spot ; it was within a yard of where I stand that the first *chispa* was picked up." So mangled and torn and mined away has the face of nature been in this historical locality, that them who knew her best would fail to recognize the scarred and disfigured lineaments. Yet it is Coloma ; and yet the site of the gold discovery can be pointed out. In a few years more, however, the oldest inhabitant will have lost all trace of the spot, and the visitor will be only able to discover that the gold was found "somewhere hereabout." There is need of a monument at Coloma, and the site of Sutter's mill should be marked in an enduring manner. California has been far too careless in such matters heretofore, and she will regret in the future the vandalism that has left her no relics of a time which grows in interest and in value as it recedes into the Past.



CHAPTER VI.

THE GREAT RUSH—PECULIAR SOCIAL CONDITION—LAWLESSNESS IN THE MOUNTAINS—THE CAMP IN THE RAVINE—THE "HOUNDS" IN SAN FRANCISCO—MARSHALL'S DILEMMA.

THE news of the great discovery flew over the land like wildfire, and wherever it was received men abandoned business, friends, homes, everything, tempted by the glittering lure. All that were poor, disappointed, or in debt, or in difficulties, or in dread of the law for offences committed, at once prepared to set out for the land of gold. Hundreds also determined upon the expedition from a pure love of adventure, tinctured, doubtless, by the hope which the exaggerated accounts excited. Meanwhile the resident white population of California threw itself into the gold quest with characteristic ardor and energy. The discovery

once made that the precious metal existed, additional revelations continued to be made in every direction. It seemed at first as if the prospector had but to sink his pick into the ground at random, wherever there was a cañon or a stream, to find gold. The whole country was revolutionized. It was no longer a struggle against the difficulties which beset the ordinary pioneer. It was a mad, furious race for wealth, in which men lost their identity almost, and toiled, and wrestled, and lived a fierce, riotous, wearing, fearfully excited life, forgetting home and kindred, abandoning old, steady habits, acquiring all the restlessness, craving for stimulant, unscrupulousness, hardihood, impulsive generosity and lavish ways, which have puzzled the students of human nature who have undertaken to portray or to analyze that extraordinary period. It does not fall within the scope of this work to give a detailed history of those times, but if ever this task is worthily undertaken, the world will listen to a recital so wild, so incredible, so feverish and abnormal, as to remind it rather of the description of a Walpurgis Night than of an era in real life.

The State was then invaded by some of the most desperate men in the world. From the Australian gold fields, from the Five Points of New York, from the Seven Dials, St. Giles', and Field Lane, of London, from the slums and dens of vice and crime in every large city, they flocked to the Golden State. Human life was terribly cheap at that time. Few narratives of actual facts have ever been recorded concerning the first rush, but there are old men, and men prematurely aged, yet living in the mountains, and occasionally to be seen about the What Cheer House, in San Francisco, who can tell strange and terrible stories of the crimes committed and never punished in those wild days.

Then arose San Francisco and Sacramento; towns of tents, relieved by a few wooden shanties, in which every second habitation was a saloon and every saloon a gambling hell. These places were at once the focus of business, the principal shipping points for the rapidly developing mines, and the centers of dissipation, profligacy and debauchery. A few weeks, or months—sometimes a few days—

sufficed to line the pockets of the adventurer, and if he escaped being murdered by his comrades, or killed in some drunken brawl in the mountains, he usually took a trip to San Francisco or Sacramento, there to dissipate his lightly won gains. There were, let it be understood, many good men in that strange community. Many of them live yet, and adorn society. But it is true, beyond all question, that the proportion of reckless, desperate, criminal characters, was larger than ever before in any civilized community. The circumstances were altogether peculiar. There were no women, or so few and of such a grade generally, as not to count for much in regard to influence for good upon society. Men had broken loose from all their old ties. Those who had been reared in the land of "steady habits" found themselves suddenly transferred to a land of unsteady habits, or rather of no habits at all, for society was so new, so incohesive, so inclined to fermentation and change, that no one had time to contract habits. Perhaps the condition of things generally may be described by imagining the possibility of a state of existence in which the feverish excite-

ment, the air of insecurity, which mark a child's experience of theatrical performances, was continuous. The blare and crash of the band, the dazzling brilliancy of the gas lights, the gaudy trappings of the actors, the heat, the poisonous atmosphere—all combine to excite and stimulate, until the eye deceives the brain, the outside world is forgotten, and the imagination soars into a realm of fiction, the descent from which is alike depressing and repulsive. Perhaps, and indeed probably, the peculiar, subtle, champagne atmosphere of California, had something to do with the strange effects produced upon that cosmopolitan population. It was as if the hidden gold had diffused through the air that swept its burial place some mysterious emanations which, like the sparkling atoms in the fabled Elixir of Immortal Life, partook at once of the mental and physical influences of the metal, and acted upon the organizations of those who came within its reach as the elixir upon all who quaffed it. The amount of work done, notwithstanding dissipation, was enormous. Difficulties, which would have caused ordinary men

to despair, were surmounted with a determination that could not be baffled, and the most sudden and sweeping reverses were met with a coolness and equanimity that would have done credit to practiced gamblers. A flourishing town to-night might be a mass of ruins to-morrow, but, before the last embers were extinguished, the lumber would be on the ground for new houses, and the smoking timbers would be cleared away to make room for the store, or the saloon, or the gaming house. Men lived fast in those days. Those who only know what the ordinary "fast life" of ordinary cities is, can have no conception of *how* fast the old Californians lived. No man "waited for something to turn up" at that time. Time was money, and much money, too, and he must indeed have been a helpless creature who could not employ himself profitably at short notice.

But the inevitable consequence of such a congregation of reckless men, and of such a life, soon appeared. The Sydney convict, the London burglar or pickpocket, the New York rough, the adventurer who had wandered over half the earth and marked each resting place

by a fresh crime, began to establish a community of interests. For a short time they had worked separately, all being too eager after the main excitement of the day to care for lesser gains. But as population increased, and cities grew up, and wealth in property began to show itself, the worst of the dangerous classes became impatient of the comparatively slow process of acquiring money by earning it, and began to seek out more congenial ways of replenishing their coffers, emptied too frequently by riotous living. Thus it came about that the organization of criminals and bad characters, known as "The Hounds," was established, and, in the Fall of 1848, the subject of this sketch came into contact with that body in a very peculiar way.

Marshall had continued to work at the Coloma mill after the discovery of gold, occasionally varying his occupation by prospecting, and had in this way discovered several rich diggings, which had been at once taken possession of by those who flocked to the neighborhood. Much lawlessness existed in the interior of the State by this time. Robberies from the per-

son had been frequent, in and about Coloma and the adjacent mining camps, and several burglaries, unusually daring, had impressed the people with the belief that there was an organized band of robbers in the neighborhood. It was in the month of October, 1848, that Marshall, being on a prospecting expedition, camped one night in a ravine, called John Town Creek, between Garden Valley and Alabama Flat, about three miles from Coloma. He had selected, as his camping ground, a spot about midway up the sloping side of the ravine, and by the time he had lighted his fire and eaten his supper, night closed in around him. Suddenly he was startled by hearing a signal from the lower ground, in the direction of the creek. He answered it, and immediately after it was repeated by some one on the higher ground above him. The suspicions of the old frontiersman were at once aroused, and knowing that honest men would not be lurking in such a place without fires, he determined to reconnoitre. In the first place, he extinguished his fire, lest it should lead the robbers (as he suspected them to be) upon him; and having quietly removed his

horse and provisions, and fastened the animal to a tree, he took his trusty rifle and crept softly upward in the direction of the voice he had heard. Carefully making his way through the thick brush and over the fallen timber, with the noiseless stealth taught him by his old backwoods experience, he at length arrived at the trunk of a large tree, which barred his progress, and, as he was preparing to climb over it, his ear caught the sound of whispering voices on the further side. Crouching low, but in such a position that he could see as well as hear, he listened to the dialogue. There were but two men, and one of them was evidently the utterer of the first signal he had heard. They had just met, and the first enquiry that passed between them was—"Who gave the signal from the middle ground?" Each of them had supposed that he had been answered by the other, and on finding that they were not alone in the ravine, they betrayed some uneasiness, but as the fire had disappeared they finally came to the conclusion that they had been mistaken, and entered upon the business which had brought them together. Suffice it to say that

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his suspicions proved well founded, and that he overheard enough to convince him that there was an organized band of robbers in the neighborhood, of which one of the men, then speaking, was the lieutenant. He heard them discuss their plans for the future, saw the countersign exchanged between them, and finally recognized the face of the lieutenant as that of a man well known to him. At last the robbers, having arranged everything, separated and retired, and Marshall, having gained his camp, rolled himself in his blankets, and was soon asleep.

On returning to Coloma he told some of his friends what had happened, and that he had recognized the lieutenant of the band, but he declined to reveal the names of any of the men, knowing well that if he did so, his life would not be worth a day's purchase. Soon after this a resident of Placerville (then called Hangtown) named Smith, an active and energetic citizen, determined to raise a posse for the pursuit of the robbers. This action was prompted by the capture of a burglar, a Frenchman, and a member of the gang, who had

sought to save himself by turning informer. Unfortunately, however, Smith, being unacquainted with the band, and the Frenchman having misinformed him, he enlisted several of the robbers themselves in his posse, and the result, of course, was that he failed to find the men he was in search of.

Strong efforts were now made to induce Marshall to disclose the facts he had become possessed of so strangely, but he knew too well the reckless and desperate men with whom he had to deal, and, though he was a good citizen, he did not consider himself bound to sacrifice his life for the benefit of others. He was aware that the law was powerless to protect him. Indeed, it was unsafe even to speak of the robbers in a mixed company. The grocer from whom he bought his provisions, the saloon keeper who mixed his morning cocktail, the hotel keeper who supplied his meals, the blacksmith who mended his tools or shod his horses—might be a member of the gang, and might denounce him. No one could guarantee safety against the vengeance of these lawless men, and, knowing this, he concluded that discretion was the

better part of valor, and held his peace. In some way, however, it came to the ears of the lieutenant of the gang that Marshall knew him, and from that moment he began to follow and watch the former. This course at length became so annoying that Marshall determined to stop it, and on one occasion, when he was out on the trail alone, finding that he was being followed, he turned suddenly and confronted his shadow, covering him at the same time with a pistol, and demanding the reason of his conduct. The man was at his mercy, and finding that he must speak, he plainly told him that he had heard that he (Marshall) knew of his connection with the band, and he wanted to know whether he was going to inform against him. Marshall replied that he had no such intention; that he proposed to attend to his own business as long as he was unmolested, but that if he was to be dogged and followed about in this way, he would not answer for what he might do. Upon this the robber said that if nothing more was said in the future than had been in the past, he would never be annoyed by him or any of his men. So the interview

terminated, and the robber kept his word, never suffering Marshall to be molested or followed from that time. This gang was commanded by a man named Pete Raymond, who had killed an old sea captain named Bonfisto, at Coloma, in a quarrel, and from that time became a desperado of the worst sort. He eventually met a violent death, as nine out of ten of his class have done.

A short time after these events, Marshall was compelled to visit San Francisco on business, and put up at an hotel, (or what answered to the name,) on Jackson street, during his stay. While sitting in the reading room one day, he fell into conversation with a certain professor of geology, one of a class of scientific smatterers who came out in early days, convinced that they held the key to all the riches of California, and whose ignorance of practical geology and mineralogy caused serious loss to the miners who confided in their knowledge, until they discovered by bitter experience that theory was untrustworthy. However, after some conversation with this scientist, a game at euchre was proposed, to which Marshall assented. The

two men sat down to play, and several others lounged about the table, looking on at the game. Presently Marshall grew tired of the cards, and surrendering his place to some one else, seated himself by the side of one of the lookers-on. This man gave him a keen glance, and then, unseen by the others, threw out the signal of the mountain robbers. On the spur of the moment the other answered it, and the stranger then entered into a conversation with him, informing him that he belonged to an organization formed in the city, and that they had just effected a junction with the interior gang, to which he supposed Marshall belonged. Hailing him as a brother thief, he then proceeded to unfold the plans of the "Hounds," as they styled themselves, and among other nefarious schemes, told him that they had determined upon a grand operation, to take place in three or four months, and which was nothing less than the burning and sacking of San Francisco. He gave his supposed comrade the clue to the headquarters of the "Hounds," instructed him in all the newly arranged grips, passwords, and countersigns, and finally left him, doubtless

impressed with the idea that his recent companion was as real and practical a desperado as himself.

Marshall was rendered very uneasy by what he had heard, though he did not place implicit confidence in the robber's story; but the more he reflected the more difficult did his course appear. At length, he resolved to warn a friend of his, who was doing business near the Plaza. He repaired to this man's office, took him out of town, where there was no danger of eavesdroppers, and related all that had happened. In another place and at another time, his narrative would probably have been received with incredulity and ridicule, and he would have been told that some practical joker had played a trick on him, seeing that he was from the country. But the "Hounds" were even then a very serious and palpable organization, and robberies and murders were becoming more and more frequent, and paving the way for that exasperated condition of public sentiment which subsequently culminated in the formation of the Vigilance Committee, and the summary punishment of the most notorious criminals. Mar-

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shall's friend, therefore, lent an attentive ear to his story, and when he had concluded, asked him—"But you do not mean to keep this to yourself? Why do you not go and inform the authorities?" To this he replied, that if any one would guarantee him a sufficient sum to remunerate him for leaving the State within twenty-four hours, he would take the risk of revealing the plot; but as he had only one life, and as self preservation was the first law of nature, he must decline to commit suicide in this way. Besides, if he was to tell the authorities, in all probability they would not believe him; and, even if they knew it to be true, society was in such a demoralized condition that the very men who received his communication might be in league with the robbers. The risk to be encountered was too great, and the reward was too small. He, however, suggested to his friend that *he* might inform the authorities, and, as he was well known, his statement would doubtless be received with respect. This view did not commend itself to the listener, and he declined to undertake the responsibility. Whether the "Hounds" were really the incendiaries, cannot

be positively known, but certain it is that San Francisco was burned about the time foretold by the robber. The friend, being forewarned, made such preparations as were possible, and when the conflagration occurred, he succeeded in saving thirty thousand dollars from the wreck of his property.

No doubt there are many who will blame Marshall for his reticence on this occasion, and will contend that it was his duty to have revealed the conspiracy, no matter what the consequences to himself. Strictly speaking, perhaps this view is correct, but it must be remembered that we are writing the history of a *man*, with human failings, weaknesses, and faults, and not the story of a mere creature of fiction. And whatever may be said by theorists, we doubt much if a dozen men could be found in San Francisco to-day who would have acted differently under the circumstances. Marshall knew that this formidable band of cut-throats had ramifications extending to every mining camp in the State. He knew that if he informed against them his life would be sought by hundreds of desperadoes, not one of whom

would have thought more of killing him than they would of crushing a spider under foot. He knew that his only chance would have been instant flight, and that he must abandon all that he had been toiling for these many years, while he was man of the world enough to know that there was very little probability that any one would guarantee him remuneration for his risk and his sacrifice. Perhaps he acted selfishly, but, at all events, he acted naturally, and the fairest mode of judging him is to put ourselves in his place, and consider whether, under such pressure, we should have had strength to do what he did not do.



CHAPTER VII.

EFFECTS OF THE RUSH—THE SQUATTERS—THE MASSACRE OF MURDERERS' BAR—MARSHALL PERSECUTED—HE NARROWLY ESCAPES LYNCHING BY A MOB—PRICES IN 1849.

IN the Fall of 1848, Sutter sold his half interest in the Coloma Mills to John Winters and Alden S. Bayley, for the sum of six thousand dollars, this including the privilege of cutting timber for mill purposes, but not affecting the title to the land, which rested in Marshall. The same parties, at this time, purchased one-third of Marshall's interest for two thousand dollars, he reserving the pre-emption rights, and only disposing of the timber privilege. And now commenced a series of disasters and troubles for the discoverer, which finally ruined him, and left him a broken man in his declining years. The great discovery, of which he was the in-

strument, poured wealth upon the world, made millions rich, restored the balance of circulation in the Old World, and stimulated enterprise and industry in the New one. Drawing from the ends of the earth a fiercely energetic and desperately adventurous population, it built up on the Pacific Slope a new community, whose vigor and enterprise were destined to become famous, and whose career of prosperity has scarcely yet commenced. But as one who, in the rocky defiles of some mountain, shall strike away with his pick the barrier which has imprisoned a living stream, whose bright waters rush past him to fertilize and enrich the arid plains below, and spread their beneficent influences over broad fields in the distance, leaving the agent of their release alone amid the barren solitudes of their birth-place, so the auriferous current swept on its course, spreading into countless ramifications, enriching and gladdening millions, yet leaving the discoverer poor and desolate, and rather destroying what he possessed before than adding to his store. The fate of great discoverers the world over has been melancholy, and Marshall's career has

proved no exception to the rule. The importance of the revelation was his ruin, and he paid the penalty by sacrificing his all, and by sustaining persecution, robbery, abuse, slander, and injustice of the basest kind. Henceforth, the history of his life is the record of a series of outrages, which, while they cannot but be humiliating to all who love and desire to honor the Golden State, yet must be set down, if without malice, not less without extenuation.

Soon after the transfer of Sutter's interest in the mill, the great rush of 1849 commenced, and every steamer leaving New York, and every sailing vessel bound for San Francisco, were crowded with eager adventurers. About the month of March a large number of newcomers arrived at Coloma, for purposes of trade and mining. They knew that the first gold had been discovered there, and they assumed that the richest diggings must be in that neighborhood. Without any inquiry or negotiation, these men at once squatted on the land about the mill, taking possession and starting in to work with a supreme disregard of the existence of pre-emption or any other laws. They rec-

ognized no rights in any property holder which they were bound to respect. When their provisions gave out—and they were by no means plentifully supplied—they seized the work oxen belonging to the mill, and when they wanted pack animals to carry their provisions while prospecting, they confiscated Marshall's horses. Oxen and horses were valuable in those days, and the money loss then sustained by Marshall, from these raids, amounted to no less than six thousand three hundred dollars. He posted notices and served the intruders with them, to the effect that he claimed the land as an original settler, but all to no purpose. They were absorbed in their fierce quest of gold, and law nor justice troubled them.

While these things were occurring, another event transpired which for a time forced him to forget his smaller wrongs in more serious ones. This event was the massacre of Murderer's Bar. At this time, (the Spring of 1849,) Marshall had a number of the friendly tribe of Sutter Indians and several white men engaged in making necessary repairs at the mill. These Indians had been peaceable and industrious,

and he had obtained considerable ascendancy over the tribe by fair dealing with them on all occasions. While affairs were in this condition, a party of seven men, who had recently arrived from Oregon, started out on a prospecting expedition up the North Fork of the American River, and having reached a point just above the junction of the North and Middle Forks, came upon a large rancheria. There was good pasturage in the neighborhood, and they determined to camp there, and give their horses a rest. Having refreshed themselves, and staked out their animals, they went over to the rancheria, and finding some Indian women there, attempted to take improper liberties with them. The cries of the squaws brought about some of the bucks, and these attempting to prevent the commission of an outrage, the white men drew their revolvers and shot down three of the Indians. They then, apparently careless of what might follow, started for Murderer's Bar, on the Middle Fork, some three or four miles above the junction, and two of the number went on a prospecting tour, leaving the remaining five in camp. After an absence of a day or two the prospectors

returned and found that their partners had shifted the camp. They followed up the trail, and finally arrived at the new camping ground, to find that the whole of the party had been murdered by the Indians. The survivors, whose absence had saved them from sharing the fate of their comrades, at once started for Coloma, and on arriving there told their tale, and set about raising a posse to retaliate upon the Indians. A number of the robbers belonging to the band of Mountain Hounds were in Coloma at the time, and they seized this opportunity to revenge themselves upon the friendly Indians, one of whom they suspected of having watched their proceedings, and given Marshall the information he possessed concerning them. With this purpose in view they joined the citizens who had collected to pursue the murderers, and induced them to indulge in a carouse before starting. In a short time the majority were so intoxicated as to care little whether the Indians they killed were friendly or unfriendly, and when this point had been reached a suggestion was made that they seize the Indians at the mill and punish them. This advice was

received with enthusiasm, and in a short time the mill was surrounded by a party of half-drunken men, all armed to the teeth, and swearing vengeance on the Indians. Previously, however, some of the Hounds had sent word to several of the Sutter tribe that Marshall wanted to see them, and thus it happened that an unusually large number were collected at the mill when the attack was made upon it. Marshall exerted himself to the utmost to avert the outrage which he saw was contemplated, but his efforts were useless, since the drunken crew would listen to no arguments. At first the leaders said they only desired to make prisoners of the Indians, but when they had secured them the men fell to drinking again, and rendered furious by bad whisky and the sinister advice of the scoundrels who had undertaken to mislead them, commenced an indiscriminate slaughter of their helpless victims. Marshall strove sturdily for his men. He demanded a fair trial for them, and denounced the action of the mob in the strongest terms, and at last, finding all his efforts useless, he called around him the few on whom he could rely, and told

them he was prepared to defend the mill and its inmates with his rifle, if they would stand by him. But his friends saw that resistance would be vain against such a force, and urged him to save himself, for his bold speech and vigorous denunciation of the cowardly assailants had drawn their anger down on his own head, and already threats had been made that they would serve him as they served the Indians. He was not a man to be easily daunted. His life had been passed amid scenes of peril, and probably he would have accepted the issue, and tried conclusions with them, at the sacrifice of his life, had not his friends forced him to fly, on a horse which one of them had provided. The mob deliberately murdered eight friendly Indians on this occasion. There was not the shadow of justification for the atrocious deed, for the whole of the slaughtered men were constantly employed as mill-hands by Marshall and his partners, and therefore could not have had anything to do with the killing of the white men at Murderer's Bar ; besides which, they belonged to a different tribe from that of the hostile Indians. This is but one of a number of

cases which have been partially and unfairly reported heretofore, and which tend to show how little justice has often been accorded to Indians by lawless white men. It might be too much to say that this slaughter was the prime cause of the so-called Indian War which followed, and which cost the State three hundred thousand dollars, but it is not too much to say that outrages such as this had very much to do with the subsequent hostility of the natives.

The feeling against Marshall, for attempting to save the lives of his innocent men, was so strong, that some time elapsed before he dared to return to Coloma, and the ruse employed by the "Hounds" to entrap the Indians had induced the latter to believe that he was privy to the massacre, and had drawn their enmity down upon him also. When, at length, he returned to his old house, it was to find that the squatters had surveyed the ground about the mill, marked it off into town lots, and distributed it among themselves, utterly ignoring the claims of the real owner.

And now a new form of persecution commenced. The miners had persuaded them-

selves that as Marshall was the discoverer of gold in the first instance, he must know where all the rich diggings were. Absurd and puerile as this idea must seem now, it was a positive belief in those days. They began to regard him as a malignant wizard, who held the key to all the treasures of California, but would not unlock them. If he went out of town he was followed by crowds, who imagined that he was about to visit some of his secret diggings. If he remained at home he was watched as closely as though he had been a criminal out on bail, who was known to be meditating an escape. Wherever he went, whatever he was doing, he was beset with questioners, who made no scruple of threatening him if he did not reveal the secrets they supposed him to be in possession of, and who considered themselves aggrieved because he could not tell them what he did not know. This espionage grew more rigorous and irksome as time passed on, and the miners became more possessed with the conviction that he knew where the gold was, if he could only be forced to confess. No suspected witch in the old bad days of Matthew

Hopkins and his villainous crew was ever watched more closely or jealously than was this unfortunate man. It was utterly useless for him to assure them that he knew no more where the gold was than they did themselves. The more earnest and positive were his disclaimers, the stronger their suspicions became, and finally a day came when, either because they had drank more bad whisky than usual, or because their patience was worn out, the whole mining camp rose, and transforming itself into a crazy mob, started after the discoverer, intending to escort him out of town to a spot where a tree grew conveniently, and hang him then and there if he did not tell them at once where the rich diggings were situated. There can be little doubt that they would have been as good (or as bad) as their word, for Marshall certainly could not comply with the alternative presented to him, had not one of his partners, Mr. John Winters, hearing of the peril he was in, taken measures to engage the attention of the miners, and succeeded in smuggling the threatened man away, directing him to a thicket near the roadside, where a good horse awaited

him. Thus was Marshall compelled to fly from his home to save his life for the second time. On the first occasion he was threatened with death because he strove to prevent murder; on the second, because he was not gifted with omniscience.

On this occasion he was compelled to absent himself for nearly six months, so deep was the conviction of the miners that he knew where rich mining could be found, but that he would not tell. Indeed, some years passed before he ceased to suffer from this strange species of persecution, as will be seen in the course of this history. This may be said to have been the commencement of the failure of the mill business. After the partners had got out the lumber for Sutter's flouring mill at Brighton, the rush became so general, and prices rose so high, that it was almost impossible to get work done. The lawyers came upon the scene, moreover, and what with expensive litigation, arising out of the action of the squatters, and the enormous cost of running the mill, labor being then worth *sixteen dollars a day*, the enterprise became hopeless, and the mill had to be closed.

Trouble, however, did not end here, for the same men who had stolen the ground, the cattle, and the horses, belonging to the establishment, now appropriated the timbers of the mill itself to line shafts and tunnels with, and coolly dismantled the whole building, besides destroying the mill-dam; and for this damage none of the proprietors ever received compensation to the value of one cent.

We have spoken above of the high prices of that period, and it may be interesting to many of our readers to know *how* high prices were in 1849. Statements have been published in newspapers, and allusions have occasionally been made to the almost fabulous cost of living at that time, but the following extracts from one of the books kept at Sutter's Fort will, perhaps, convey a better idea of the actual state of things. We append a few items at random:

PRICES IN 1849.

1 Canister of Tea.....	\$ 13 00
2 White Shirts.....	40 00
2 Kits of Mackerel.....	60 00
1 Fine-Tooth Comb.....	6 00
1 Hickory Shirt.....	5 00
3 lbs. of Crackers.....	3 00
1 Barrel Mess Pork.....	210 00
2 lbs. Mackerel.....	5 00

1 Bottle Lemon Syrup.....	6 00
4 lbs. of Nails.....	3 00
1 Paper Tacks.....	3 00
1 doz. Sardines	35 00
1 doz. Siedlitz Powders.....	17 00
1 Pair Socks.....	3 00
1 lb Powder.....	10 00
1 Bottle Ale.....	5 00
1 Bottle Cider	6 00
1 Hat.....	10 00
1 Pair Shoes.....	14 00
1 Bottle Pickles	7 00
1 Can of Herrings.....	30 00
13 lbs. Ham	27 00
1 Bottle Mustard.....	6 00
2 lbs. Sauerkraut	4 00
55 lbs. Tarred Rope.....	75 00
1 Tin of Crackers.....	24 00
1 Candle.....	3 00
30 lbs. Sugar.....	18 00
1 Colt's Revolver.....	75 00
1 lb Onions.....	1 50
1 Tin Pan.....	9 00
1 Keg Lard.....	70 50
1 Pair Blankets.....	24 00
1 doz. Champagne.....	40 00
1 lb Butter.....	2 50
50 lbs. Beans.....	25 00
200 lbs. Flour.....	150 00
13 lbs. Salmon.....	13 00

Such is a sample of the prices of necessities and luxuries at the time of the great rush. It will be seen that though the rates of labor were enormously high, the opportunities for saving were not much above the average.



CHAPTER VIII.

MORE PERSECUTION—SUPERSTITION STILL RIFE—THE STORY OF
JACK ABBOTT—THE SQUATTER AND THE RIVER—A LEGEND OF
SACRAMENTO.

THE curse clung to Marshall. When he returned to his old home he found his possessions scattered, his lands occupied by men who scoffed at his claims, and himself regarded with much of the old superstitious suspicion which had forced him to leave the place before. Had he been a keen business man it is possible that he might have compelled some sort of settlement from those who had plundered him so audaciously. But his frontier experience, though fitting him to undergo the vicissitudes of pioneer life, and to hold his own against savage creatures, whether brute or human, had* left him ill prepared to cope with men well versed in the ways of the world, too often

unscrupulous, and prompt to avail themselves of the advantages which were afforded them by the absence of legal protection or the laxity and venality of Courts. In truth, he fell an easy prey to such. Naturally of a generous, open-handed disposition, slow to suspect and prone to confide, he suffered his adversaries to read his hand while they carefully concealed their own. Unfortunately for himself, moreover, he did not belong to a "Ring," for there were "rings" in those days quite as mischievous, quite as unscrupulous, and quite as powerful, as exist at present; and the tactics of the "rings" of '49 differed but slightly from the tactics of the "rings" of 1870. The action of these organizations, however, will be referred to at more length in another place, and at present their introduction is rather premature.

Marshall at this time returned to his prospecting, in the intervals of a business which was becoming more and more hopeless; but when he was poorest, and most in need of sympathy and help, the curse hung heaviest upon him. Let us take a single picture of the life he then led. Imagine a gulch or ravine in the mount-

ains, its sides scarped and cut away and laid bare here and there, by the miners. A stream, yellow as ochre, glides through the cañon, and groups of men are busy digging and washing dirt and arranging flumes and sluice-boxes. A solitary figure, bent and worn, less with years than anxiety, but yet showing a broad-shouldered, robust and athletic frame, approaches one of the groups of miners near the head of the cañon, and after examining the ground with a practiced eye, inquires if a certain spot (pointing it out) is taken up. The man addressed replies, scarcely raising his head, in the negative. The stranger then asks if he can borrow a sluice-box from the company; and succeeding in this, he repairs to the owner of the water power and arranges for so many inches of water, to be supplied, perhaps, for a couple of days on credit, and paid for out of whatever the claim may contain. This being done, he goes quietly to work in his corner. He has been there but a few hours when some one passing by stops to watch him, and as he rises up to rest his back or wipe the sweat from his brow, recognizes him, and at once says to himself,

"Hulloa ! there's that Jim Marshall again ! he's struck it sure this time !" and off he goes. In an hour or two, twenty or thirty eager men enter the cañon, and at once proceed to take up every foot of ground around Marshall's location, coolly driving him off, with threats and curses. This is but a single illustration. The same thing was done a score—aye, threescore times. He was a marked man wherever he went, until he reached a point where the Coloma influence faded, and where his person, at least, was unrecognized. The fact that he had discovered gold, so far from causing the hearts of those who were enriching themselves by his discovery, to warm towards him—so far from securing for him simple and ordinary justice—served only to raise a steady persecution against him, as against one who was a public enemy. It might be imagined that through these men the innocent agent of the great discovery was being punished for all the evil which the cursed lust of lucre was destined to bring into the world. Few men would have submitted to so much outrage and injustice without resenting it, and without becoming soured and misanthropic.

Yet, to show that Marshall never lost his natural warmth of heart and charitable impulses, we may narrate an incident that occurred about this time.

He was out on one of his expeditions, in the Summer of 1849, and while proceeding on a certain day along the trail between the Middle and South Forks of the Yuba, he came upon a man lying by the wayside, apparently sick to death. Marshall at once turned aside, and having administered some refreshment to the sufferer, succeeded in learning that his name was Jack Abbott; that he had been out prospecting with several comrades, and that being taken ill on the way, his heartless companions had gone off and left him to die. So much has been said and written about the generosity and hospitality of Californians in the early days, that such a story as this may seem almost incredible. But it would be mere folly to assume that there were no black sheep among the pioneers; and perhaps if the simple truth were told there would not be found a majority willing to rehearse *all* their actions of those days. Of the truth of the present anecdote, however, there can be

no question. Having somewhat revived Abbott, Marshall set him on his own horse, and walking beside, carried him to his camp. There he nursed him tenderly and carefully, supplying the lack of allopathic medicines, and the absence of drugs by such simples as his old Indian experience had taught him the use of. It is fashionable in cities to sneer at Indian medicines, but there are scores of old frontiersmen who will even to this day indignantly repel any depreciation of their favorite remedies, and will cite case after case of marvelous cures effected under their own eyes, or in their own persons, by Indian doctors or Indian medicaments. Any how, in the case under notice the treatment was successful, and the young man recovered gradually. During his convalescence his preserver learned that he belonged to a good family in New York and that his friends were wealthy. He had sown his wild oats too prodigally, and had been shipped off to California in the hope that his rough experience there would steady him down. But for Marshall's discovery of him he would, undoubtedly, have been steady enough before long.

As his strength returned, Marshall was in the habit of lending him his horse to take a short ride every day, and as time passed on he extended his rambles, and grew stronger and livelier. When his health appeared to be nearly restored, Marshall one day told him that now he was so well he must do a little light work, and that he had better begin on the morrow. To this young Abbott cheerfully consented, and mounting, trotted off on his accustomed ride. That was the last time Marshall ever saw him. He vanished completely and utterly, and with him disappeared the horse, saddle, and bridle, lent him by the good Samaritan. This has always been a sore subject with Marshall. He probably felt it more than the persecution of the miners or the outrages of the squatters. It was so cruel a blow at his faith in human nature, so mean and ignoble a return for a generous and noble deed, that we could almost pardon him for turning Tymon, and reviling his fellow creatures for the remainder of his life. And yet there is a faint possibility that Abbott did not voluntarily desert his benefactor. Some time afterwards Marshall was in San Francisco,

and there met by chance one of Abbott's friends, a man who was well acquainted with his Eastern connections. This friend, after hearing the story of his disappearance, expressed the belief that Jack had not gone off as supposed, but that he had fallen a victim to some accident. This view he fortified by the statement that several months after Abbott was last seen, the skeleton of a man and horse—the former sitting on the ground, and the latter tied to a tree close by—had been found in a dense wood, not far from the place where Marshall's camp had been. It would be infinitely preferable to be able to think of him as innocent of such base ingratitude as his disappearance seemed to indicate, but Marshall listened to the story with strong incredulity, and continued to believe that he had been most basely dealt with, and that the skeleton was a work of imagination, invented to save the reputation of Abbott by his friend.

Turning from this painful anecdote—painful whichever be the true solution of it—we may record a somewhat amusing incident which occurred towards the end of the Winter of 1849.

A man named Robinson, a lawyer, (who was afterwards concerned in the Lecompton riots in Kansas,) had squatted upon a forty-acre lot belonging to Sutter, and situated on the low, swampy ground which afterwards became the site of the City of Sacramento. Meeting Marshall one day, he offered to sell him a portion of this land, when the following conversation ensued :

MARSHALL.—What title have you got to the land?

SQUATTER.—Oh! that's all right ; it's only necessary to have it surveyed and recorded.

MARSHALL.—Humph! have you got no other title?

SQUATTER.—(Rather sharply). Other title! No, sir! No other title is necessary.

MARSHALL.—Well, if I wanted to buy, I should prefer Sutter's title. But now tell me, how long do you expect to be able to maintain your present position?

SQUATTER.—(Indignantly). Maintain it, indeed! I should like to see the power that would oust me!

MARSHALL.—Well, what force have you got?

SQUATTER.—I can bring fifty men to back me, in a few hours.

MARSHALL.—Is that all the force you can secure?

SQUATTER.—(Angrily). No, sir, it is not! in three days I can muster five hundred rifles to support my claims!

MARSHALL.—(Quietly and aggravatingly). Is that all you can do?

SQUATTER.—(Perfectly frantic). Yes, sir! And enough too! I'd like to see Sutter, or anybody else, turn me off this land!

MARSHALL.—(With a quiet chuckle). Well, sir, it 'aint no kind o' use. I'll bet you anything you like that you'll be driven off this lot in less than two months.

The squatter was furious at this prediction, and boasted of what he would do to any one who attempted to dispossess him. Marshall heard him out, and then turned away with a laugh, which seemed to have the effect of puzzling the other somewhat.

The two months had not expired when the river rose, and in a few hours the land squatted on by Robinson was under several feet of water,

and he was paddling his canoe for the high ground, leaving his shanty submerged. As he neared the shore a man, who had heard the story narrated above, greeted him with a shout—"Aha! Marshall was right, after all!" The squatter started, and a new light broke in upon his mind as he asked—"Is *this* what he meant when he said I should be driven off in less than two months?" That was exactly what Marshall had meant. He knew the river well, and was perfectly safe in asserting that neither fifty nor five hundred men would enable the squatter to maintain his position. Whether he afterwards made anything out of his attempt to confiscate Sutter's property, may be ascertained by reference to the real estate records of Sacramento.



CHAPTER IX.

THE OHIO DIGGINGS—A TRUE STORY OF THE MINES IN '50.

IT was in the Summer of 1850 that Marshall went up Antoine Cañon, near the head of the North Branch of the Middle Fork of the American River, and commenced mining there. At this time men were eagerly watching for new and rich developments, and if a miner was seen to go far from the camp, and on his return was reticent as to what he had found, this was enough to start an excitement. The miners would gather about their favorite saloon, after work was over for the day, and compare notes as to the suspicious conduct of Bill Jones, or Stumpy Jack, or whoever the individual might be; and if they thought there was reason to believe that he had "struck it rich" some-

where up in the mountains, or in a neighboring gulch, expeditions would be fitted out to follow him, and track him to the supposed new diggings. When, as sometimes happened, a strike had really been made, the lucky prospector was compelled to exercise his utmost cunning, and resort to the deepest strategy, to throw his comrades off the scent. The craving after riches develops intense selfishness, and at no time has this been more strongly exhibited than during the excitement of those early days. It is true that the miners were lavish in their expenditures, and that they were often and proverbially generous where the object of their sympathy did not come into competition with them. But they were comparatively few who could resist the temptation of an opportunity to get the better of their comrades in securing a rich claim, and there were many who were prepared to perpetrate any crime, if it would enable them to obtain the wealth they were in search of. Many a dark deed was done in the gloomy gulches and desolate cañons up in the mountains, and many a lonely shanty was the scene of murder, foul and horrible, never dis-

covered until, perhaps, months afterward, some wandering prospector, arriving at an apparently deserted cabin, would enter, and find the remains of its former occupant, lying there grim and ghastly, and mutely testifying to the crime, by the mark of bullet or of knife still visible on the decaying form. But of all the black deeds done in those lawless times, none presents more terrible features than that which forms the subject of this chapter.

Before Marshall had been long at work in Antoine Cañon, a great excitement was created by the advent of a party of men, hailing from Ohio, who brought with them a large quantity of gold, which they said they had taken from a creek in the neighborhood, the locality of which they refused to disclose. Several parties were soon raised to search for the new strike, which by this time had come to be spoken of as the "Ohio Diggings," from the State whence the supposed discoverers came. The little mining town was alive with rumors and suggestions. Some were confident that the diggings would be found in this, and others in that direction. One man

would undertake to guide a party straight to it ; but another would be equally certain that he knew the place, and as probably his route was in an opposite direction to that proposed by the first, public opinion was a good deal divided, and the result was that five or six parties started out, all taking different routes. After a short time two or three of the expeditions returned, weary and worn with climbing rocky trails, forcing their way through heavy brush, clambering precipices, and wading streams, but none of them had succeeded in discovering any place that looked even hopeful. At length Marshall was induced to join a new party, and they set off, like the rest, in quest of the now famous, but hard to find, Ohio Diggings. They spent some weeks in the mountains, and searched carefully and patiently; but at last their supplies having become exhausted, and their strength also, they were compelled to turn their faces once more towards camp. They had reached a point between the north and middle branches of the Middle Fork, when, after pursuing what appeared to be an old Indian trail, though evidently long dis-

used, and very rough and difficult, they came suddenly, by a sharp turn around a jutting rocky bluff, upon a little level opening surrounded by trees so thickly as to darken the place to a dim twilight. A pleasant brook danced merrily over the stones in its bed, and hurried along the centre of the little dell, and the grass all around grew thick and green, kept bright and cool by the refreshing moisture and the shade of the tall trees. Marshall was riding ahead, and as he entered this quiet spot, he at once determined that it would be a good place to camp, or at least to water the horses in, and take a rest. At first his eyes, unaccustomed to the dim light, failed to distinguish objects accurately, but by the time he had ridden up to the spring and dismounted, his natural keenness of vision returned. Then it was that looking about him he suddenly caught sight of an object that startled even his grim self-possession. A few yards from where he stood lay the skeletons of a horse and mule, the bony back of one still bearing a Spanish saddle, and an *aparrahoe*, or pack saddle, lying on the remains of the other. Nea.

these was a human skeleton, which was decided to be that of a Spaniard, from the circumstance that the remains of a pair of pantaloons with leather stripes down the legs were still on the body. Bending over the remains, he at once detected evidence of foul play, a small round hole in the skull of the dead man revealing the manner of his death. By this time the rest of the party had entered the dell, and a shout from one of them announced further discoveries. Some distance away from the first, a second skeleton was found. This man had been shot in the breast. A third was soon after discovered, and it was evident that this one had been struck from behind, as he was in the act of leaping over a log, for when found one foot was caught on the log, and the body was doubled backward over it, just as he had fallen and died. Finally the skeletons of four more horses were discovered, and this completed the dismal revelation. It was as plain as anything could be that these men had entered the dell just as they themselves had entered it, to water their horses ; that they had been followed, and that they were shot down as they were in

the act of attending to their animals. Men less experienced in frontier life than Marshall and his comrades, might have imagined that the murderers were Indians, but they made no such mistake. One glance at the nature of the wounds, at the indications still remaining of the occupation and business of the victims, satisfied them that the rifles of white men had taken these lives, and that the motive of the deed had been plunder. After the natural exclamations of horror and indignation had been vented by the discoverers, speculations were indulged in, and conjectures made, as to who the murdered men were, and who the murderers. So far nothing seemed clear save that the skeletons were those of Spaniards, and no one was prepared with a plausible theory as to their identity. But while they were conversing and exchanging ideas and suggestions, Marshall, who had been carefully and silently examining the remains, and the surroundings of the place, stepped in front of the party, and raising his hand to secure their attention, waited until silence was obtained, and then uttered this remark :

"Boys! We have struck the Ohio Diggings!"

The men started, looked at one another perplexedly, and then demanded his meaning. The explanation he made, and the story it involves the narration of, were substantially as follows :

Some time before this, three Spaniards who were engaged in mining, struck a rich crevice on Vanfleet Creek, which adjoined and ran parallel with Antoine Creek. They were in the habit of obtaining their supplies from a trader named James Williams, who lived between the two creeks, and when they began to get gold in considerable quantities out of their crevice, they naturally placed it in Williams' care, not feeling that it would be safe in their unprotected cabin. From time to time they came in to the store, depositing gold, and returning to camp with provisions, until they had accumulated seventy-five pounds weight of the precious metal. At this time Williams determined to leave that neighborhood for some other mining district, and sent word to the Spaniards to come in and take away their gold. Now there were plenty of men in those days who preferred

easy crime to honest work, and who were always on the lookout for an opportunity to plunder the unwary. Several men of this stamp had been in the habit of loafing about Williams' store, pretending to be engaged in prospecting, but seldom visibly occupied in any other employment than playing cards and drinking. These had watched the Spaniards as they came and went, and had several times asserted that they were bound to find out where the others got their gold from. So, when the day came for the partners to remove their gold, not much attention was excited by the declaration of some of the loafers that they would follow them, and find out their diggings. The Spaniards had, perhaps, half an hour's start of their pursuers, and were traveling at an ordinary pace, little dreaming of the murderous feet that were dogging them, or of the murderous eyes that were watching them. On reaching the dell, it is probable that they determined to stay awhile and rest, though they evidently intended to push on again that day, as the packs were left on the horses and mules. While they were watering their animals the assassins must have crept up,

and hiding in the heavy timber—an easy matter—have quietly covered their victims. Apparently all but one had been killed by the first fire. That one, startled by the sudden volley, made a rush for the shelter of the trees, but a bullet overtook him as he was in the act of leaping over a log, and he died in his tracks, his skeleton, after the flesh had decayed, still remaining in the self-same attitude in which he was when the leaden death struck him. The murderers had taken nothing but the gold, and they had killed the horses and mules lest they might stray to some camp, and, being recognized, suggest a search for their owners. The place where this atrocious crime was committed was so sequestered that no fears were entertained of the discovery of the bodies. The assassins had gone into Bird's Valley with their booty, and as the easiest and most plausible way of accounting for their possession of it, had given out the story about the rich secret diggings which had so excited the camp, and which had set a hundred men on prospecting expeditions, in which they wasted the whole Summer. Marshall was right when he said

that they had struck the Ohio Diggings. This was the mine which the Ohio men had worked so successfully, and these grim and ghastly figures were the former owners of the claim. All through that Summer of 1850, while bands of men were searching every ravine in the mountains round about, and enjoying in imagination the fruits of the discovery they hoped to make, the unhappy men who had found the treasure lay rotting in that gloomy dell, there to remain, silent yet imperishable witnesses to the awful crime that lay at the bottom of the "Ohio Diggings." The murderers, so far as we know, were never brought to punishment, but it is safe to assert that their ill gotten wealth secured them neither prosperity nor happiness. Gold has no virtues the stain of blood will not efface.



CHAPTER X.

COLONEL ROGERS' INDIAN WAR—THE RAID ON THE BLIND SQUAW—
DEATH OF MAJOR M'KENNEY—REFLECTIONS ON THE TREATMENT
OF INDIANS.

IT cannot be said that the Americans, on taking possession of California, established that reckless and bad system of dealing with the Indians which has since been pursued, though undoubtedly they are to blame for having adopted and continued the pernicious customs which obtained when they arrived in the country. Long before this the work of the good Mission Fathers had been neutralized, frustrated, almost annihilated, by the greed and fatuity of the Mexican Governors of the State. During a period of sixty years—embracing the extent of their sway—these Fathers had done, at all events for the native population, what the Americans have never done for any Indians within

their possessions. Twenty-one flourishing Missions had been established, and some thirty thousand Indians had embraced Christianity and sought shelter and employment at the hands of the priests. Four hundred thousand horned cattle, three hundred thousand sheep, and sixty thousand horses, belonged to the Missions, and the annual slaughter of two hundred thousand oxen produced a revenue of one million dollars to the Church. But the Mexican Congress concluded, in 1835, that it was time to put a stop to this halcyon condition, and so decided to "secularize" the Missions. This step was not carried into effect at that time, but the preliminary measures ruined the Missions. The "Pious Fund"—which was composed of the proceeds of bequests to the Missions by rich and devout Catholics in Old Spain—was first attacked by the avaricious Governor, and made to bleed freely. In after years, "Santa Anna" got hold of it, and most people know how well he was fitted to squeeze a fund or a treasury. In the meantime, the parochial priests who were to take the place of the Mission Fathers were not appointed, and in consequence the secu-

larization was suspended temporarily. The ostensible object of this measure was to elevate the natives—to take them out of leading strings, as it were. Heretofore they had sat at the feet of the Fathers, and had rendered the unquestioning obedience of children. Their religion may not have been comprehensive or intelligent, but it was at all events sincere and faithful. As controversialists they would, doubtless, have been failures; but as practical illustrations of the good that may be learned from the Gospel, pure and simple, they were unquestionably successful. But the Government thought the time had come when they might take another step in advance. From naked savagery and nomadic habits to a state of docility, industry, tranquillity and prosperity, the transition had not seemed very difficult. They were now required, however, to abandon their faithful and sure-footed guides, and proceed alone into a new and to them unexplored region. They were to be elevated to the rank of citizens, their Missions turned into Indian Pueblos, and their churches into parish churches. The experiment was tried, it is true, in a scarcely satisfactory man-

ner, since the sole aim of the Governor seemed to be to secure possession of the Church funds, careless what became of the less valuable and important human beings who were to be affected by this work of secularization. The experiment, however, was tried, and the result was—the ruin of the Missions, the scattering of the Indians, their relapse into barbarism, and the enriching of Flores, Alvarado, and sundry other Mexican potentates, who managed to get their clutches upon the "Pious Fund."

All this had happened long before Marshall arrived in California; before Sutter arrived, indeed, and when there were very few settlers in the State who spoke other than the Spanish tongue. And before the conquest of the State by the California Battalion, as heretofore narrated, these thirty thousand Indians were undoubtedly in a very bad condition. While the Missions flourished, a calm and peaceful atmosphere had pervaded the country. The influence and example of the missionaries was uniformly benignant, and no licentiousness or depravity could live within their ken. The secularization movement changed all this. Major-Domos

were appointed to supersede the missionaries in charge of the Missions. Parish Priests were not appointed. The new officials were laymen, and mostly ignorant, rude, and too often brutal. Religion was neglected. The subtle influence which had curbed and restrained the restless instincts of the Indians, vanished. The mild voices and gentle manners of the old Fathers gave place to the harsh orders and violent demeanor of vaqueros who had been made Major-Domos. The Indians were driven from the Missions, and they returned to their old haunts, and something worse than their old lives. The administrators of the Missions plundered them, and grew wickedly wealthy. The alcaldes, or magistrates, being drawn from the lower classes, were ignorant, and being avaricious, were corrupt. Gambling and drunkenness became general, and while the Indians were forced back into barbarism, their masters seemed bent upon following the same path, and arriving, as speedily as possible, at the same goal. And as the Californians became more and more degraded, the Indians suffered from their degradation. The few herds left to these

latter from the spoliation of the Missions were wrested from them ; their patches of cultivated land were seized ; themselves were abused and ill-treated. The result might have been foreseen. The Indians, having advanced but a little way in the paths of civilization, found no great difficulty in retracing their steps, and having resumed the status of savages, they began to adopt savage methods of retaliation upon their oppressors. The majority of the neophytes returned to their tribes in the Tulare Valley, and thence they made predatory raids upon the settlements and Missions, carrying off stock, and sometimes abducting the wives and daughters of the settlers. The latter in their turn organized expeditions against the natives, and at times surprised and destroyed whole villages, putting the inhabitants to the sword indiscriminately. The action of Governor Micheltorena (referred to previously) in bringing into the State a force of three hundred men, composed of the worst desperadoes, taken from the prisons of Mexico, did not mend matters, a large number of these wretches deserting, and forming bands of robbers, who laid the country

waste, and indulged in crime of every description.

Such was the condition of affairs when the State was conquered by the Americans, and the conquest did not bring about any improvement so far as the Indian tribes were concerned. A large proportion of the adventurers who flocked from all parts of the world into California when the discovery of gold took place, were, as has already been shown, reckless, wild, and unscrupulous, and to their recklessness was attributable the disturbance known as the Indian War of 1850. How that war was inaugurated, how it was conducted, and the result to the State, we now propose to show.

In the Summer of 1850 four miners left Placerville to go to a neighboring camp. On the way, while crossing the mountains, they fell in with an Indian, accompanied by his squaw. One of the miners offered violence to the woman. The Indian resented it, and attempted to defend her. Upon this the miner drew his pistol and deliberately shot the buck dead, subsequently ravishing the woman while her husband's corpse lay, still warm, beside her.

The Indians had been told that if they were molested by the whites they had but to make complaint to the nearest magistrate or official, and they would find redress. Not being at that time well versed in the ways of their new rulers, they took the truth of this assurance for granted, and made complaint accordingly. No notice was taken of their petition. They waited some time, and at last, seeing that there was no hope of redress from the authorities, they took the law into their own hands, and attacking a party of three miners, killed two of them. Of course this was utterly wrong and unjustifiable. But it should be remembered that the murderers were uncivilized Indians, and that before avenging themselves they had adopted the course prescribed to them, and without avail. When the miners heard of the slaughter of their comrades, they at once insisted on speedy retribution, and Colonel William Rogers, then Sheriff of El Dorado County, at once proceeded to raise a force to attack the Indians. Of the so-called war that ensued, and which principally consisted in the killing of peaceable Indians and old

squaws, and the destruction of deserted rancherias, it is not necessary to say much. Two incidents will suffice to convey an idea of the extent and manner of the contest.

Major McKinney rode out one day at the head of a party of men, all armed to the teeth, in search of Indians. As they were journeying along a mountain trail they descried, riding some distance ahead of them, a peaceable Indian. Without pausing to inquire whether he was a fit object of their wrath, they raised a wild yell and set off in chase. Seeing that he was pursued, the Indian spurred his horse, but finding himself in danger of being overtaken, leaped from the saddle and commenced running at the top of his speed. The path being rocky and difficult he might have escaped but for Major McKinney, who rode a better animal than his followers, and who finally overtook the fugitive. Finding himself at bay, the Indian turned and fitted an arrow to his bow, and as the Major, then stooping over him, discharged the contents of his gun into his body, the wounded and dying man sent his arrow up to the feather into the breast of his assailant. So Major M'Kinney

died, and his friends gave him a costly and imposing funeral. It is true that he need not have lost his life, for the Indian who killed him did not belong to a hostile tribe, and was pursuing his journey peaceably when attacked. But an Indian war was in progress, and Indian scalps had to be procured somehow.

The other incident to which we alluded was the celebrated attack made by Colonel Rogers upon an Indian rancheria. At the head of a formidable body of eighty lusty, well-armed men, he descended "like a wolf on the fold" upon an Indian village. Having reconnoitered in the most approved method of Indian fighting, he stormed the rancheria—a comparatively easy enterprise, considering the fact that its only occupants were one feeble, old, blind squaw, and four lank, hungry Indian dogs. The gallant Colonel and his no less gallant band made short work of the blind squaw and the dogs. They killed them all. And then, at the close of the day, they re-entered Kelsey in triumph, the blind squaw's bleeding scalp dangling at the Colonel's bridle bits, while the saddles of four of his men were decorated with *the scalps of the dogs*.

This is how the Indian troubles of 1850 came to be called "Bill Rogers' Indian War."

But it must not be supposed that all the expeditions were as bloodless as this, (on the part of the whites.) On one occasion subsequently, they attacked a rancheria when the Indians were at home, and a desperate fight ensued, ending as such affairs generally do end, in demonstrating the superiority of powder and lead over bows and arrows. The male Indians were all killed, and the women—well, the women were not killed *at once*. They were kept for the men to amuse themselves with, and when the appetites of the latter were satisfied they blew out the brains of their victims.

The casualties occurring in the ranks of the Americans were not numerous, but the bill afterwards presented for medical attendance amounted to twenty thousand dollars, of which the State paid fifteen thousand dollars, finally. This war, so barren of results, so abounding in a species of tragic burlesque, cost the State three hundred thousand dollars, and it has been conjectured that the *whole* of this sum was

not expended in military operations against the Indians, or in providing for the wounded.

Frontier life is full of such episodes, and too many of them reach the ears of the dwellers in cities after having been filtered through so many distorting mediums that their tenor is wholly changed. That prompt and stern repressive measures are not seldom necessary in dealing with Indians, cannot be denied. That these tribes have become miserably degraded is a patent fact. That they are treacherous and cruel when they think treachery and cruelty are safe, has been proved, over and over again. That they learn all the worst vices of the white man with wonderful aptitude, and lapse most easily into confirmed thieves, gamblers, drunkards, and loafers, every mining village in the State still testifies. Granting all this : admitting all that can be argued from it : acquiescing in the necessity of punishing the *laches* of these people vigorously ; we still think that before their present lamentable condition is sweepingly attributed to original sin and innate depravity justice requires some inquiry into the causes of their decay. And if it should be shown by such

inquiry that white men taught them to be treacherous by breaking faith with them ; taught them to be cruel by persecuting them ; taught them to drink, to steal, to gamble, to loaf, by presenting before them, at every turn, white thieves, drunkards, gamblers, and loafers ; taught them to be unchaste by outraging their women and offering a price for dishonor ; and taught them to set little value upon human life by taking it, with knife, and pistol, and sudden hemp, in every creek and gulch and flat where mining camps existed ; if, we say, these things shall appear to be so upon inquiry, it may seem right and proper to hesitate a little before pronouncing the Indian *anathema maranatha*.



CHAPTER XI.

A CONTRAST TO CALIFORNIAN GENEROSITY—THE BURIAL OF THE MINER.

WE have alluded already to the rude hospitality that existed in those days. Happily it was sufficiently general to make its mark upon the time, though, unfortunately, it could not counteract or conceal the glaring blemishes of that peculiar social condition. Money was lavished on all sides then. Not only were the most extravagant prices charged for every commodity ; not only were the services of professional men enormously high, but the miners themselves seemed determined to out-Herod Herod, and to cap the climax of the wildest extravagance by meeting all demands with a profuse recklessness that fairly staggered the most extortionate. Naturally enough, these

traits were seized upon by all who attempted to sketch the period, and thus the California miner of '49 and '50 has been handed down as a landsman's imitation of the traditional (and theatrical) sailor. The fact that a good many of these miners were old sailors, who deserted their ships in San Francisco, and left them to rot at their moorings while they scampered off to the hills, and plunged into the excitement of gold hunting with all the abandon, ardor, and glee they would have displayed in entering upon a spree ashore after a long voyage, no doubt had much to do with the formation of this peculiar character—which, after all, was no fiction, but a far greater reality than the stage tar, as delineated in the familiar nautical melodrama. In truth, the mixture that produced this society was such as the world never witnessed before. Take a sprinkling of sober-eyed, earnest, shrewd, energetic New England business men; mingle with them a number of rollicking sailors, a dark band of Australian convicts and cut-throats, a dash of Mexican and frontier desperadoes, a group of hardy backwoodsmen, some professional gamblers, whisky

dealers, general swindlers, or "rural agriculturists," as Captain Wragge styles them, and having thrown in a promiscuous crowd of broken down merchants, disappointed lovers, black sheep, unfledged dry goods clerks, professional miners from all parts of the world, and Adullamites generally, stir up the mixture, season strongly with gold-fever, bad liquors, faro, monte, rouge-et-noir, quarrels, oaths, pistols, knives, dancing and digging, and you have something approximating to California society in early days. Of course, in such a community every conceivable shade of human character was represented by turns, and occasionally an instance occurred of a penuriousness so opposed to the general lavish style that prevailed, as to be worthy of remembrance and narration, if only because of the strong contrast it formed. Such an instance came under the observation of Marshall, in the summer of 1850. He was then still at Coloma, and was in partnership with Winters and Bayley, who kept a hotel not far from the mill. A company of miners arrived in the neighborhood about this time, and located a claim, which soon gave handsome returns.

One of the party falling sick, his comrades applied to Marshall and Winters for accommodation for him, and they allowed him to occupy an empty shanty belonging to them. During his sickness meals were sent to him from the hotel, at the request of his friends. They also secured the services of a medical man who was staying at Coloma. The patient grew worse, and finally died, and then his comrades went down to the mill, borrowed some lumber and nails, and obtained the services of one of the mill hands to make a coffin. So far, they themselves had done nothing towards arranging for the funeral, but they now condescended to dig a grave, and after the burial of the miner they sent in a bill to Marshall and Winters, *charging them three ounces for digging the grave*. It is needless to say that the receipt of this document was what Dick Swiveller called "an unmitigated staggerer." It was, in fact, the last hair that broke the camel's back. But it was not all, by any means, for while the partners were looking perplexedly at one another, the doctor stepped up and presented a little account for four hundred dollars, for attending

upon the deceased. This acted as a restorative, and having promptly assured the doctor that he must look elsewhere for his fees, Marshall turned to Winters, and exclaimed, "I'll bet an ounce (nobody ever wagered less at that time) that his board is charged to us too!"

The presentiment was well founded, for on scanning the hotel books it appeared that the friends of the deceased miner had instructed the clerk to "charge it all to Marshall and Winters." It is, perhaps, unnecessary to say that they did not pay for the digging of the grave; but they were out and injured to the extent of the sick man's board and the materials and work on his coffin. The doctor failed to recover his bill, though the men were amply able to pay it, having struck rich diggings. Perhaps this is about the meanest thing that was ever perpetrated by Californians. We hope it was, for the credit of the State.



CHAPTER XII.

LAW AND JUSTICE IN EARLY DAYS—A MODEL DISTRICT JUDGE—A
DRINKING TRIAL—HOW CITIZENS' RIGHTS WERE PROTECTED—
CONCLUSION.

THE peculiarities attending the administration of justice at the time we write of have been alluded to previously, but as Marshall was eventually a serious sufferer from this cause, it may be well to enter into some details respecting the Courts in early times. It must not be understood that all Courts were alike lax in their practice and partial in their decisions. There were many honorable exceptions. But as a specimen of a not uncommon kind, the Tenth District Court, as it appeared in session at Coloma, in the Summer of 1850, is worthy of description.

There existed, at this period, a general re-

luctance among the public to trust to litigation for the redress of injuries, and even in criminal cases men could not be persuaded to come forward and prefer charges. This unaccountable apathy is referred to in the report of a Grand Jury to the District Court at Coloma, the original of which may be found at page one hundred and two, Book "A," of the minutes of that Court. The following extract will convey some idea of the situation :

"Our action has been embarrassed by inability to obtain the attendance of witnesses in criminal suits, and an apathy on the part of the people to come forward and prefer charges for investigation. We are unable to account for this indifference, unless we attribute it to the transient character of the citizens and their unwillingness to abandon their daily pursuits, *or to their want of confidence in the officers of the law and the certainty of public justice being administered.* We cannot but think that the charge recently made of the impotency of the laws is unjust in its bearing. That lies with the people, and not with the Government."

The italics are ours. The last sentence is not a little obscure, nor did the Grand Jury

make it appear very satisfactorily in what particular the charge made was unjust. But it appears clearly enough that at this time the people, from *some* cause, were strongly opposed to litigation, and that even in criminal cases they were inclined to "rather bear the ills they had, than fly to others that they knew not of." Whether this suspicion of the purity of the Courts was well founded or not will perhaps appear from what we are about to relate, and as every statement here presented is drawn directly from the records of the Court itself, no question can be raised as to the soundness of the premises, whoever may dissent from the conclusions drawn.

Marshall, we have said, became involved in litigation, and his partners did not escape. It was natural that he should desire to protect his acquired rights to the land which he legally claimed as an original settler, and that he should dispute the authority of strangers to seize and possess themselves of his property, to appropriate his cattle and horses, and to damage and destroy his improvements. But

unfortunately for him a great many people in Coloma were interested in defeating his rights. They had squatted on his land, and were disposed to keep it. They had interests in common, and all their interests were opposed to his. They wielded a large influence in the neighborhood, and he was in a minority of one. Colonel William Rogers was then Sheriff of the county—he who was the hero of the Indian War. Judge J. S. Thomas occupied the District Bench. What kind of a lawyer he was may be gathered from the fact that he habitually adjourned his Court until “to-morrow,” never naming the day of the week or month. In a transcript of the minutes of the Court now before us, occurs this phrase over and over again—“Ordered, the Court adjourn until to-morrow morning, at eight o’clock, A. M.” Sometimes it stands “to-morrow morning at A. M.”—the hour being omitted. But they were not particular in those days. Now, if our readers will follow the subjoined record of certain cases tried in this Court, they may be enabled better to comprehend why the people

were so reluctant to "come forward" and appeal to the legal tribunals for redress.

On Wednesday morning, June 5th, 1850, Judge Thomas opened his Court as usual, and after disposing of one or two brief cases, came upon a suit in which Marshall and his partners was involved. We append the minutes relating to this suit, *verbatim et literatim*.

"ALDEN S. BAYLEY, J. W. MARSHALL AND WINTERS
v. TUNIS V. MOUNT.

"On motion a jury be summoned to try this cause. Therefore it is ordered by the Court, that the Clerk issue a *venire* for the jury. Now comes the Sheriff and returned into Court the following jurors, to wit: (here follow the names.) And after being duly sworn, and the arguments of counsel, they retired to their room, and made up and returned into Court with the verdict that defendant for the sum of three hundred and fifty dollars and ten cents, and plaintiff pay his costs for each juror. It is therefore ordered by the Court that judgment go *against* the defendant for the like sum."

We venture to say that this will surprise the

reader. The jury having returned a verdict *for* the defendant, the Judge orders the Clerk to record a judgment *against* the defendant, "for the like sum." But astounding and bewildering as the above must be to those who happen to be unfamiliar with the "winding ways" of justice in 1850, the disposal of the next cause on the docket is far more extraordinary. This was an action to recover a debt, the plaintiff being Marshall's partner, Winters. The minutes of the Court bear the following record of the case :

"JOHN WINTERS ET AL. V. ARNOLD THELHOVER.

"On motion of counsel, it is ordered by the Court that a *venire* issue to the Coroner to summon a jury of six good and discreet electors to serve as jurors to try this cause. Now comes the Coroner and returns into Court the following jurors: (here follow the names.) On motion of plaintiffs' attorney for leave to withdraw his account, that was assigned to them, motion sustained. It was, therefore, ordered by the Court that leave be granted, and after the jury being duly sworn and the cause submitted to

them, after hearing the evidence in the cause, retired to their room, made up their verdict for plaintiff for the sum of two thousand and fifty-nine dollars and seventy-five cents. It is ordered by the Court that judgment go against the plaintiff for a like sum. It is further ordered that the jurors be allowed three dollars each."

There are two remarkable points in the above case. First, the plaintiff having withdrawn the account, that is, the evidence of the debt, the case is sent to the jury. Second, the jury having found a verdict for the plaintiff, the Court orders a judgment to be recorded against him. Thus, a man sues for the recovery of a debt, and obtains a verdict for the amount claimed. Upon which the Court decides that the plaintiff creditor must pay to the debtor the sum due from the latter. There is a defiance of law, justice, equity, and common sense, about this decision, that approaches the sublime. The consummate coolness with which this Judge sets aside juries, shelves their verdicts, and decrees the exact opposite of their conclusion, is actually wonderful. Of course, under such a system litigants became cautious—

not to avoid going to law, but to make sure of the Judge before they entered Court. The term "Justice" ceased to apply to many of these tribunals, and though we have dealt only with the administration of the law in one district, it is not to be supposed that others escaped any better. It would be easy to multiply instances of the recklessness, ignorance, venality, and shamelessness, of some of the Justices and Judges in those days. In one case that occurred at Placerville, where a miner (now resident there) was charged with assaulting a man who had endeavored to jump his claim, the trial was commenced at eleven o'clock at night, and the labors of all present were lightened by the magnanimous conduct of the Judge, who adjourned the Court every ten minutes or so, to get a drink. On these occasions His Honor, together with Sheriff, deputies, prosecutor, counsel, prisoner, witnesses and jury, swarmed out together, and cheerfully fraternized at the bar of the neighboring saloon. A persistent recourse to these semi-occasional refreshings resulted, as might have been expected, in the complete demoralization of the Court, and, at

about five o'clock in the morning, a drunken lawyer addressed a drunken jury, on behalf of a drunken prosecutor and an equally intoxicated defendant; and a drunken Judge having delivered an inebriated charge, a fuddled verdict of acquittal was rendered. Upon this His Honor reeled off the Bench, and approaching the defendant, congratulated him warmly on the issue, and ended by expressing a fervent hope that he had "hit the prosecutor an awful lick."

On another occasion, when an attempt had been made to jump a claim, a Justice of the Peace issued injunction after injunction, restraining the lawful owners from working their ground, and, as they paid no attention to his edicts, he fined them again and again. But there is a good deal of difference between levying a fine and collecting it, and so he found; for, when the Sheriff appeared on the ground to enforce the order of the Court, he was met by so grim an array of revolvers that he deemed it impolitic to proceed further. Finally the owner of the claim appeared in Court and told the Justice he had better withdraw the injunctions and remit the fines, or

there might be trouble, upon which the Justice, seeing the force of this suggestion, courteously acceded to it, and so the matter ended.

Probably these instances will be sufficient to show that weak or poor suitors had very little chance of obtaining justice in such Courts, and so Marshall found to his cost. Nobody had time, however, to bestow a thought upon the evils of the system, or if they had time they lacked inclination. Time passed on and brought him no redress. The first residents at Coloma mined and gambled and drank, and finally departed—some this way, some that. Many sold their land to newcomers, and thus Marshall's title was buried deep under fresh deeds, and swept, as it were, out of sight.

His life, from this time on until the present day, has been the life of a hard working miner, seldom successful. He entered one enterprise after another, and though at times making a few hundred dollars, never reinstating himself in his former condition. He retained, and still retains, a small ranch at Coloma—a little patch barely sufficient to supply him with a poor resting place for his old age. Attempts

have been made at different times to induce the State to award him a pension, but hitherto without success. Slander has often busied herself with his name, and innumerable false statements concerning him and his habits have crept, from time to time, into the press. He has been accused of drunkenness. He has been announced as insane. He has been prematurely killed two or three times. Worthless men have on several occasions assumed his name as a bait for sympathy, and having imposed upon the charitable and been detected, their faults have been shouldered upon him. Those who know him best, however, know that he is neither a drunkard, a lunatic, nor a beggar. Though an old man now, he is full of energy and life, and possesses a memory absolutely wonderful for its capacious retentiveness. He works hard for his living, and is respected through all the country round. That he has foibles it would be folly to deny. But that he has any foibles which should alienate from him the sympathy of any good man, or bar his claim to the gratitude and kindly remembrance of all Californians, it would be base calumny

to assert. The State has recognised the claims of Sutter, but it has ignored the claims of Marshall. Yet the latter was the discoverer of gold in California, and is poor. The former only availed himself of the revelation already made, and he is not poor.

It is right and fair that in estimating his title to consideration we should take into account the grand results of his discovery. Gold made California what she is. It built up San Francisco. It erected Sacramento. It placed steamers on our rivers ; it brought shipping to our wharves ; it filled the cellars of our banks ; it created for us a commerce ; it brought us population ; it developed our resources ; it gave us internal improvements ; it built our churches, our schools, and our hospitals. It established our press ; it gave us education, enlightenment, wealth, prosperity, and happiness. And the man who discovered this wonderful agent sits to-day in his little cabin at Kelsey, up in the mountains, and toils as he toiled two and twenty years ago, glad if he can secure sufficient for the passing hour.

The history of California has not yet been

written in detail, but when it is we trust the historian will not have to record that James Marshall, the discoverer of gold, the Founder of the State's prosperity, was permitted to sink into a pauper's grave, by the people to whom he gave all that they possess.





APPENDIX.

At different times since the discovery of gold in California, dishonest persons have endeavored to impose upon the public by claiming the merit of the discovery, and as many who have suffered from these frauds may be not unnaturally suspicious still, it has been thought worth while to append to the story of Marshall's life, the accompanying vouchers for his trustworthiness, and for the accuracy of some of the main incidents recorded in the narrative.

TESTIMONIAL.

SACRAMENTO, July 28, 1870.

We take pleasure in commending to the general public, James W. Marshall, one of the pioneers of the State of California, and the first discoverer of gold upon the Pacific slope. He is a gentleman with whom we have been long and intimately acquainted, of sterling worth and unquestioned

veracity, and as such we commend him favorably to all of the old pioneers of this State.

Respectfully,

HON. JAS. W. COFFROTH,
D. W. GELWICKS, State Printer,
JOHN W. BOST, Surveyor General,
DUNCAN BEAUMONT, Surveyor General,
HON. JOHN C. BURCH,
ROBERT FERRAL, Editor Reporter,
R. O. CRAVENS, State Librarian,
G. W. GORDON,
TABB MITCHELL,
JAS. M. ALLEN, Adjutant General,
EX GOV. STANFORD, President C. P. R. R.,
A. A. COHEN,
C. CROCKER, Vice President C. P. R. R.,
JAMES MCCLATCHY, Pioneer,
HON. A. COMTE, JR.,
HON. CHARLES GILDEA,
JO HAMILTON, Attorney General.

AFFIDAVIT OF JOHN WINTERS.

This is to certify that I, John Winters, came to Coloma in company with Alden S. Bayley on or about the 18th day of December, 1848, for the purpose of purchasing an interest in a saw mill there situated and owned by John A. Sutter and James W. Marshall; and that on the 20th day of December, 1848, we (Winters & Bayley) purchased from John A. Sutter his interest in said mill, which was one half, for the sum of six thousand dollars, and the privilege of cutting timber for mill purposes, he (Sutter) claiming no right, as a pre-emptor, to the land.

On the day above written Winters & Bayley purchased from J. W. Marshall one third of said Marshall's interest in said mill for the sum of two thousand dollars, he, said Marshall, reserving to himself the right of pre-emption, and only selling the right to cut timber for mill purposes, and the mill privilege.

Soon after this, say in March, 1849, parties came to Coloma for the purpose of trade and mining, and squatted on ground belonging to said Marshall. He, said Marshall, served verbal notices, and posted written notices in three or four conspicuous places, forbidding the squatters

locating on said ground, as he, said Marshall, claimed it as first locator or settler.

Immediately after this some white men at Murderers' Bar ill treated some Indians there, and the Indians retaliated and killed some four or five white men; but two whites escaped, and they immediately came to Coloma and raised a posse for the purpose of returning to Murderers' Bar and chastising the Indians; but instead of going to Murderers' Bar they at once commenced an attack on the friendly Indians at work on and about the mill, killing several Indians.

Marshall, in order to save his Indians from being murdered, did all in his power to save them—even risked his own life. For this, and by the counsel of his friends, he was forced to leave Coloma in order to save his life from the infuriated mob and hostile Indians. On his return to Coloma he found that parties had surveyed the town, and it was claimed by others.

Soon after this, men, believing that Marshall, as he was the first discoverer of gold, knew where all the gold or rich diggings could be found, threatened to hang him to a tree, mob him, etc., unless he would go with them and point out the rich diggings.

To save him, I procured and secreted a horse, and with this he escaped.

After expensive litigation, and paying high prices for labor, (sixteen dollars a day for laborers,) we were compelled to close the mill.

The Vandals now came in and stole the timbers of the mill for caves, etc., and the miners destroyed the mill dam, and neither party ever received one dollar for the mill.

I have never known J. W. Marshall to sell any land, he always refusing to sell, claiming it as a homestead.

JOHN WINTERS.



I hereby certify that the above named John Winters, personally known to me, a resident of Placer County, personally appeared before me this fifth day of February, 1870, and was sworn to the above statement to be true and correct.

R. C. POLAND, Notary Public.

AFFIDAVIT OF SAMUEL KYBURZ.

This is to certify that I, the undersigned, Samuel Kyburz, of the County of El Dorado, State of California, have been acquainted with James W. Marshall for many years. In the Spring of 1847, while I was employed by Captain Sutter, as General Superintendent in the fort, said James W. Marshall, after his return from Southern California, did engage with Captain Sutter to work as wheelwright at the fort. They frequently conversed in my presence about building a saw-mill together, Sutter furnishing all the iron work, provisions, etc., and Marshall to do all mechanical work, and have the general superintendence and management of the mill when built. Marshall, during the latter part of the Summer of 1847, at different times started out from the fort with Indian guides, to examine the country on the Cosumnes River, where it was Sutter's wish to have the mill built; but after thoroughly examining said river and vicinity, he reported to Captain Sutter the impracticability, and abandoned that locality, the distance from the fort being too great for carting the lumber. Marshall afterwards proceeded up the American River and selected the site where Coloma now is situated,

and immediately thereafter Captain Sutter and Marshall entered into a written agreement of partnership, to which I was a subscribing witness, and Marshall proceeded with some half dozen of ox teams, some ten or twelve Mormons, and one family named Wemers, the woman to do the cooking for the white laborers. He took also some twenty Indian laborers, for digging, etc., with about eight ox teams with tools, provisions, etc. When the mill was nearly completed, Marshall, thinking it would further advance the work on the mill race, let the water run through the race at night, and after shutting it off in the morning for the workmen to excavate again, he discovered some glittering particles at the bottom of the race, which on examination he concluded to be gold. Gathering a small phial full he brought it to the fort, and left it with Captain Sutter, who afterwards sold it to a man from Sonora for eighty dollars. Captain Sutter had never seen the place where Marshall discovered the gold, but on the day after Marshall's arrival at the fort he started for Coloma with his Indian guides. Marshall completed the mill subsequently, and delivered all the lumber of Sutter's flouring mill at Brighton. The amount I do not now recollect, but I do recollect that Marshall got pay for one-half the quantity received by Sut-

ter. I have made the above statement because I have heard and read so many different and false statements, to the effect that Marshall was not the discoverer of gold at Coloma, and that he was not a partner with Sutter in the Coloma mill; and knowing all the facts, personally, I believe in rendering unto Cæsar the things that belong to Cæsar. (Signed:) SAMUEL KYBURZ.

Samuel Kyburz personally appeared and made oath that the foregoing statement by him subscribed is true. (Signed:)

THOMAS STEPHENSON,

Justice of the Peace, Natoma Township,
Sacramento County, California.

January 27th, 1870.

[From the Mountain Democrat, March 5th, 1870.]

SUTTER AND MARSHALL.

These two names are, in the history of California, inseparable. Marshall discovered the gold at Coloma, in Sutter's mill race, hence California is populated, hence she is a State, hence the Pacific Railroad, hence the steam line to Asia, and hence our thrift. Sutter, who might have been a millionaire, had vast estates, but not a particle of business talent, became poor, for he was plundered, and he has for five years been a pensioner on the State, living out of the State. Marshall never had any means, and is no poorer to-day than he was in 1848; but he is old and needs assistance, and it would be a shame to the great State of California if her legislators, knowing this, should refuse or neglect to make a monthly appropriation to him during his life—and they should let it run for two or three years after his death, for the purpose of erecting a monument to his memory—and if he have no family cemetery it would not be inappropriate to bury him in the State plat. We cannot say as much for General Sutter. He had means and squandered them. He has had two hundred and fifty dollars a month for five years—or fifteen thousand dollars—out of the State, and has lived abroad. He has grown children able to support him, while Marshall, we learn, has not. The cases are widely different. Marshall should be taken care of, whether Sutter's pension be continued or not.—[*Sacramento Bee*.

The *Bee* should have said that Marshall found the gold in the mill race belonging to him and Sutter jointly, as Marshall was an equal partner with Sutter in the mill. It is true that Marshall has never squandered means like Sutter; and it is equally true that Marshall has been swindled and kept out of just rights which, had he been allowed to enjoy them, would have placed him far above the possibility of want in his old age. Sutter has already received from the State fifteen thousand dollars, while Marshall, the man who made the discovery and is entitled to *all* the credit therefor, has never received one cent from the State. And the records of our Courts show that he was deliberately and systematically swindled, through no fault of his, in 1850-51, out of what means he had then accumulated. Sutter we do not regard as entitled to either much sympathy or any further aid from the State. So far as the discovery of gold is concerned its existence on this coast might have remained a profound secret to this day had its discovery depended upon him. These facts being so well known it is singular that the Assembly should have cut down the amount asked for in Mr. Gildea's bill in aid of Mr. Marshall. We hope the Senate will think better of the matter and make a donation to him, so far as they can,

commensurate with the great benefit his discovery has been. It is hardly possible that the Assembly would refuse to concur in an amendment raising to a respectable sum the proposed monthly donation to the discoverer of gold in California, J. W. Marshall.

[From the Grass Valley Union, April 19th, 1870.]

MARSHALL'S LECTURE.

Sunday night, James W. Marshall lectured at Hamilton Hall, detailing his early experience on the Pacific coast. His audience was not a large one, as it should have been, owing, we suppose, to the night, and also to the fact that the true state of the case was not understood. Sunday night's lecture was Mr. Marshall's first effort before any audience, and as he makes no pretensions to the use of set phrases of speech, his effort should not be criticized. It is sufficient to say that his story is an exceedingly interesting one, and that as he becomes accustomed to facing large audiences, he will be better patronized. Mr. Marshall came to California in 1845, was with the Bear Flag party, and was in several of the fights which took place between the settlers and the native Californians. He afterwards became a partner of John A. Sutter in the mill at Coloma, and was at work at the mill business in 1848, when gold was found. Mr. Marshall is well fortified with affidavits from well known citizens to prove all he says, and from one of these, made by a most estimable gentleman, now a resident of Placer county, Mr. John Winters, we extract the follow-

ing particulars, to show how Mr. Marshall was treated by the first gold hunters. Mr. Winters' affidavit states, in substance, that on or about the 20th day of December, 1848, Alden S. Bayley and he, Winters, purchased from General John A. Sutter one-half of the saw-mill business owned by Sutter & Marshall at Coloma. They also bought from Marshall one-third of his interest, Marshall refusing to sell his pre-emption rights to the land on which he had located, claiming that as a homestead. These men, Winters & Bayley, paid Sutter six thousand dollars for the half interest and Marshall two thousand for one-third of his half. Marshall's sale was for mill privileges and for saw logs growing on his location. In about March, 1849, gold diggers began to arrive. They squatted on Marshall's ground, and although warned off, refused to leave. Soon afterwards some of the miners at Murderer's Bar, on the Middle Fork of the American River, ill treated some Indians, and the Indians in revenge killed four or five white men. Only two of the white men escaped, and these went to Coloma and raised a company of whites in order to go to Murderer's Bar to kill Indians. Instead, however, of going to the Bar, these men began to kill Marshall's friendly Indians. Marshall protected his Indians, risking his life in so doing, and was compelled to

leave Coloma soon afterwards to save his life from a mob. After remaining away awhile he returned to find his location surveyed off into town lots, and in the possession of others. Soon after his return, men there, believing that Marshall knew more about the places in which gold could be found than he chose to tell, threatened to hang him to a tree if he did not go with them and point out the rich placers. Mr. Winters secretly furnished the old man with a horse, on which he escaped from this second mob. After this escape Marshall was engaged in expensive litigation, and became financially ruined. The Vandals took the timbers of the mill from which to make caves, and the miners destroyed the dam. Neither Marshall, Winters nor Bayley ever received a dollar for their property. Such is the substance of the sworn statement of John Winters, a gentleman for whose word we can vouch. The idea of hanging Marshall because the diggers did not find more gold, was a repetition of the conduct of the Spaniards at the conquest of Mexico.













